



Journal of the House

State of Indiana

121st General Assembly

First Regular Session

Eleventh Day

Thursday Morning

January 24, 2019

The invocation was offered by Pastor Nathan Breneman of Northside Baptist Church in Elkhart, a guest of Representative Stutzman.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Stutzman.

The Speaker ordered the roll of the House to be called:

Abbott	Huston ☐
Austin	Jackson
Aylesworth	Jordan
Bacon	Judy
Baird	Karickhoff
Barrett	Kirchhofer
Bartels	Klinker
Bartlett	Lauer
Bauer	Lehe
Beck	Lehman
Behning	Leonard
Borders	Lindauer
Boy	Lucas
T. Brown	Lyness
Burton	Macer
Campbell	Mahan
Candelaria Reardon	Manning
Carbaugh	May
Cherry	Mayfield
Chyung	McNamara
Clere	Miller
Cook	Moed
Davisson	Morris
Deal	Morrison
DeLaney	Moseley
DeVon	Negele
Dvorak	Nisly
Eberhart	Pfaff
Ellington	Pierce
Engleman	Porter
Errington	Prescott
Fleming	Pressel
Forestal	Pryor
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Smaltz
Goodrich	V. Smith
Gutwein	Soliday
Hamilton	Speedy
Harris	Steuerwald
Hatcher	Stutzman
Hatfield	Sullivan
Heaton	Summers
Heine	Thompson
Hostettler	Torr ☐

VanNatter
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 26: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 28, 2019, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Resolution 4

Representatives Negele, Kirchhofer, Sullivan, Abbott, Austin, Aylesworth, Bacon, Bauer, Burton, Campbell, Candelaria Reardon, Carbaugh, Cherry, Chyung, Clere, Cook, Davisson, Deal, DeLaney, DeVon, Eberhart, Ellington, Errington, Fleming, Forestal, Frye, GiaQuinta, Goodin, Gutwein, Hamilton, Harris, Hatfield, Hostettler, Jackson, Jordan, Judy, Leonard, Lucas, Macer, Mahan, Manning, McNamara, Morris, Moseley, Pressel, Pryor, Schaibley, Soliday, Summers, VanNatter, Wright, Zent and Ziemke introduced House Resolution 4:

A HOUSE RESOLUTION memorializing Erica Lee Frazier Stum.

Whereas, Erica Lee Frazier Stum was born on July 9, 1985, to Sue Schuppert and Steve Frazier;

Whereas, Erica passed away December 27, 2018;

Whereas, Erica earned a bachelor's degree in engineering and technology education from Ball State University in 2007 and a master's degree in special education in 2013;

Whereas, Erica devoted her teaching career to enriching the lives of children by promoting STEM and robotics in Indiana;

Whereas, Erica worked extensively with Engineering/Technology Educators of Indiana, taught in southern Indiana, and later became the STEM director at the Paramount School of Excellence in Indianapolis in addition to being an educator;

Whereas, Erica fostered a robotics program at the Paramount School for Excellence that earned multiple state titles and competed in multiple world competitions;

Whereas, In 2012 Erica was first diagnosed with stage 1B2 cervical cancer at the age of 27;

Whereas, Erica was deemed incurable after three years of aggressive cancer treatment and was told that she would live her life with cancer;

Whereas, Erica was a dedicated Cervivor Ambassador and volunteer for the American Cancer Society;

Whereas, Erica spent the last few years of her life promoting awareness and prevention of HPV and was recognized with the Indiana Immunization Coalition HPV Champion Award; and

Whereas, In addition to being a devoted wife, mother, daughter, sister, and friend, Erica dedicated her life to the prevention of cervical cancer, especially for those in the state of Indiana, where she was born, raised, lived, and died: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its deepest sympathy to the family of Erica Lee Frazier Stum and recognizes her achievements and positive impact in the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Erica Lee Frazier Stum.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1002, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-3-26-10, AS ADDED BY P.L.269-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. The MPH shall do the following:

(1) Establish and maintain a program to collect, analyze, and exchange government information in carrying out the powers and duties of the OMB and the powers and duties of the executive state agency sharing the data. In carrying out this program, the MPH may, in accordance with IC 4-1-6, obtain government information from each executive state agency.

(2) In accordance with IC 4-1-6 and IC 5-14-3, establish and maintain a program to make government information available to executive state agencies, political subdivisions, educational institutions, researchers, nongovernmental organizations, and the general public, subject to the following:

(A) A request for data subject to IC 4-1-6-8.6 shall be made in conformance with that section.

(B) A program established and maintained under this chapter must include policies governing access to government information held by the MPH under this chapter. Government information may be made available only in accordance with applicable confidentiality and disclosure laws.

(3) Establish privacy and quality policies for government information that comply with all applicable Indiana and federal laws, rules, and policies.

(4) In accordance with standards developed by the office of technology established by IC 4-13.1-2-1, establish and maintain a program to ensure the security of government information under this chapter.

(5) Conduct operational and procedural audits of executive state agencies.

(6) Perform financial planning and design and implement efficiency projects for executive state agencies.

(7) Advise and assist each executive state agency to identify and implement continuous process improvement in state government.

(8) Do the following:

(A) Collect:

(i) postsecondary academic data;

(ii) wage employment data;

(iii) military enlistment data;

(iv) incarceration data;

(v) data regarding the receipt of Temporary Assistance for Needy Families (TANF) program assistance; and

(vi) data regarding the receipt of the federal Supplemental Nutrition Assistance Program (SNAP) assistance;

of a student upon the student's graduation from high school that can be linked to the student's kindergarten through grade 12 student identification number.

(B) On November 1, 2019, and each November 1 thereafter, submit a report summarizing the data collected under clause (A) to the legislative council in an electronic format under IC 5-14-6.

A report submitted to the legislative council under this subdivision may not contain any personal, identifiable information.

(8) (9) Carry out such other responsibilities as may be designated by the director of the OMB or the chief data officer to carry out the responsibilities of the OMB or the chief data officer."

Page 2, delete lines 1 through 2.

Page 2, line 3, delete "(e)" and insert "(d)".

Page 2, line 7, delete "(f)" and insert "(e)".

Page 2, line 39, delete ";" and insert **"of workforce development, a nationally recognized industry credential, or specialized company training approved by the department of workforce development;"**.

Page 3, line 1, delete ";" and insert **"of workforce development, a nationally recognized industry credential, or specialized company training approved by the department of workforce development;"**.

Page 5, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 10. IC 20-28-5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 22. (a) After June 30, 2019, a school corporation, a school, or a secondary school vocational program may employ an instructor who does not have a license under this chapter for not more than fifty percent (50%) of the career and technical education courses offered by the school corporation, school, or secondary school vocational program, if the instructor:

(1) has:

(A) six thousand (6,000) hours of work experience in the five (5) years immediately preceding the year of employment as an instructor in the secondary vocational program;

(B) four thousand (4,000) hours of work experience in the ten (10) years immediately preceding the year of employment as an instructor in the secondary vocational program and provides evidence of occupational licensure or occupational proficiency based on a regional, state, or national board training and evaluation approved by the department;

(C) four thousand (4,000) hours of work experience in the ten (10) years immediately preceding the year of employment as an instructor in the secondary vocational program and provides evidence of completion of an accredited two (2) year or higher degree in the specific area in which the instructor will teach; or

(D) four thousand (4,000) hours of work experience in the ten (10) years immediately preceding the year of employment as an instructor in the secondary vocational program and has completed an apprenticeship or internship program; and

(2) obtains an expanded criminal history check and child protection index search under IC 20-26-5-10.

(b) An instructor is considered a teacher for purposes of collective bargaining under IC 20-29."

Page 9, line 14, after "24." insert "(a)".

Page 9, between lines 20 and 21, begin a new paragraph and insert:

"(b) Each year before November 1, the budget agency shall estimate the costs incurred by each school corporation in the immediately preceding school year to implement the requirement described in subsection (a) and submit a report of these costs by school corporation to the general assembly in an electronic format under IC 5-14-6."

Page 10, between lines 5 and 6, begin a new paragraph and insert:

"(g) Each year before November 1, the budget agency shall estimate the costs incurred by each school corporation in the immediately preceding school year to implement the curriculum described in IC 20-30-5-14(f), including the proposed student activities, and submit a report of these costs by school corporation to the general assembly in an electronic format under IC 5-14-6."

Replace the effective date in SECTION 14 with "[EFFECTIVE JULY 1, 2018 (RETROACTIVE)]:".

Page 10, line 13, after "secondary" insert "or postsecondary".

Page 10, line 28, strike "high school".

Page 11, delete lines 2 through 15, begin a new paragraph and insert:

"(c) A school corporation that has entered into an agreement for a joint program of career and technical education may add a new career and technical education course to its curriculum without being approved under subsection (b)(1) or (b)(2) if the course is being offered in partnership with an employer or an employer and either:

(1) a postsecondary educational institution; or

(2) a third party trainer that is eligible to receive funding under the federal Workforce Innovation and Opportunity Act (WIOA) of 2014 under 29 U.S.C. 3101 et seq., including reauthorizations of WIOA, and is listed on the department of workforce development's eligible training provider list on the department of workforce development's Internet web site.

(d) A student who is enrolled in a career and technical education course offered by a school corporation that has not been approved under subsection (b)(1) or (b)(2) after June 30, 2018, shall receive credit for completion of the course if the course meets the requirements set forth for a course described in subsection (c)."

Page 11, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 18. IC 20-43-8-13, AS ADDED BY P.L.230-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) This section applies to a state fiscal year beginning after June 30, 2018.

(b) A school corporation shall count each pupil enrolled in a program designated under section 7.5 of this chapter for the

purposes of determining a school corporation's career and technical education enrollment grant under section 15 of this chapter. Each school corporation shall report its pupil enrollment count under this section to the department.

(c) A pupil may be counted in more than one (1) of the career and technical education programs if the pupil is enrolled in more than one (1) of the career and technical education programs at the time pupil enrollment is determined.

(d) If the department adjusts a count of ADM after a distribution is made under this chapter, the adjusted count retroactively applies to the grant amounts distributed to a school corporation affected by the adjusted count. The department shall settle any overpayment or underpayment of grant amounts resulting from an adjusted count of ADM on a schedule determined by the department and approved by the budget agency.

(e) The distribution of the grant amounts under this chapter shall be made each state fiscal year under a schedule set by the budget agency and approved by the governor.

(f) Each school corporation that receives a grant under this chapter shall report to the department, in a manner prescribed by the department, the pupil count and the per pupil cost to the school corporation for each career and technical education program in which the school corporation includes pupils in the school corporation's enrollment count under subsection (b). The department shall annually compile information regarding each school corporation's pupil count and per pupil cost within the school corporation for each career and technical education program in which the school corporation includes pupils in the school corporation's employment under subsection (b). The department shall post the school corporation's pupil count and per pupil costs reported to the department under this subsection on the department's Internet web site."

Page 11, delete lines 33 through 42.

Delete pages 12 through 14.

Page 15, delete lines 1 through 35.

Page 16, line 21, delete "a state" and insert "Ivy Tech Community College, Vincennes University, or a program approved by the commission."

Page 16, delete line 22.

Page 19, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 22. IC 22-4.1-26-5, AS ADDED BY P.L.174-2018, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in section 5.5 of this chapter, eligible employees must be trained, hired, and retained for at least six (6) months by the employer. If an eligible employee separates from employment with the employer that provided the training in order to accept employment with another employer before the end of the six (6) month period, the retention requirement is waived.

(b) Eligible employment must be in one (1) of the following sectors:

(1) Manufacturing.

(2) Technology business services.

(3) Transportation and logistics.

(4) Health sciences.

(5) Building and construction.

(6) Agriculture.

SECTION 23. IC 22-4.1-26-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5.5. (a) The requirements described in section 5(a) of this chapter do not apply to this section.

(b) A high school student is eligible to participate in the program if the student is enrolled in a work based learning course (as defined in IC 20-43-8-0.7) that is aligned with the sectors for eligible employment described in section 5(b) of

this chapter."

Page 19, line 20, after "employee" insert "(including a high school student described in section 5.5 of this chapter)".

Page 19, line 21, delete ";" and insert ", a nationally recognized industry credential, or specialized company training approved by the department;"

Page 19, line 24, delete ";" and insert ", a nationally recognized industry credential, or specialized company training approved by the department;"

Page 19, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 25. IC 22-4.1-26-7, AS ADDED BY P.L.174-2018, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The maximum grant amount provided to an employer for each eligible employee is five thousand dollars (\$5,000). However, if the eligible employee is a high school student, the maximum grant amount provided to an employer for the student is the lesser of:

- (1) one thousand dollars (\$1,000); or
- (2) not more than one-third (1/3) of the cost of the student's work based learning course.

(b) The maximum grant amount provided to a particular employer is fifty thousand dollars (\$50,000)."

Page 19, delete lines 28 through 42.

Page 20, delete lines 1 through 27.

Page 20, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 26. [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)] (a) 511 IAC 8-2-6 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this section from the Indiana Administrative Code.

(b) This SECTION expires January 1, 2020."

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1010, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1010 as introduced.)

Committee Vote: Yeas 23, Nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1064, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 21-13-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 12. Ivy Tech Public Safety Scholarships

Sec. 1. As used in this chapter, "fund" refers to the Ivy Tech public safety scholarship fund established by section 4 of this chapter.

Sec. 2. As used in this chapter, "public safety officer" has the meaning set forth in IC 21-14-1-6.

Sec. 3. (a) The Ivy Tech Community College public safety officer scholarship program is established to provide students who:

(1) attend Ivy Tech Community College; and

(2) are public safety officers;

a scholarship to assist in completing a certificate program or an associate degree program at Ivy Tech Community College.

(b) Ivy Tech Community College shall administer the program.

Sec. 4. (a) This section applies after June 30, 2021.

(b) The Ivy Tech public safety scholarship fund is established.

(c) The purpose of the fund is to provide scholarships under this chapter after June 30, 2021.

(d) The fund consists of:

(1) appropriations to the fund; and

(2) gifts, grants, devises, or bequests made to the state to achieve the purposes of the fund.

(e) The fund shall be administered by Ivy Tech Community College. The expenses of administering the fund shall be paid from money in the fund.

Sec. 5. (a) An applicant is eligible to receive a scholarship under this chapter if the following conditions are met:

(1) The applicant is domiciled in Indiana, as defined by Ivy Tech Community College.

(2) The applicant must provide proof of employment as a public safety officer, in a manner prescribed by Ivy Tech Community College. If the applicant is a member of a volunteer fire department, the chief of the volunteer fire department of which the applicant is a member must certify to Ivy Tech Community College, in a manner prescribed by Ivy Tech Community College, that the applicant is a member of the volunteer fire department.

(3) The applicant:

(A) has received a high school diploma;

(B) has been granted a:

(i) high school equivalency certificate before July 1, 1995; or

(ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1 (before its repeal) or IC 20-20-6 (before its repeal), or an Indiana high school equivalency diploma under IC 22-4.1-18; or

(C) is a student in good standing who is completing a final year of study at a school described in subdivision (4) and will be eligible upon graduation to attend an approved institution of higher learning.

(4) The applicant is enrolled in a certificate program or associate degree program at Ivy Tech Community College.

(5) The applicant has correctly filed the Free Application for Federal Student Aid (FAFSA) and, if eligible for aid, accepts all offered federal scholarships and grants.

(6) The applicant maintains satisfactory academic progress, as determined by Ivy Tech Community College.

(7) The applicant has not previously received a baccalaureate degree, an associate degree, or a certificate.

(8) The applicant meets any other minimum criteria established by Ivy Tech Community College.

(b) If the demand for a scholarship under this chapter exceeds the amount that Ivy Tech Community College determines is available to provide scholarships under this chapter, Ivy Tech Community College shall prioritize the applicants identified as independent as determined by the Free Application for Federal Student Aid (FAFSA).

Sec. 6. (a) The amount of a scholarship under this chapter

is equal to one (1) of the following:

(1) If the applicant does not receive financial assistance, excluding loans, the amount is equal to the educational costs (as defined in IC 21-7-13-14) of Ivy Tech Community College.

(2) If the applicant receives financial assistance, excluding loans, the amount is equal to the educational costs (as defined in IC 21-7-13-14) of Ivy Tech Community College minus the financial assistance received by the applicant.

(b) An applicant may use a scholarship awarded under this chapter only to pay the educational costs (as defined by IC 21-7-13-14) of courses required for the applicant's certificate program or associate degree program.

Sec. 7. The duration of a scholarship under this chapter may not exceed the lesser of:

(1) two (2) undergraduate academic years; or

(2) the number of credit hours required by the certificate program or associate degree program in which the student is enrolled.

(Reference is to HB 1064 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1080, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "[EFFECTIVE" and insert "[EFFECTIVE UPON PASSAGE]:".

Page 1, line 3, delete "JULY 1, 2019]:".

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"(d) The department of correction shall adopt rules under IC 4-22-2, and may adopt emergency rules under IC 4-22-2-37.1, concerning the deprivation of earned good time credit for a person who is placed in a community corrections program under this chapter."

Page 1, line 16, strike "(d)" and insert "(e)".

Page 2, line 1, reset in roman "rules".

Page 2, line 1, delete "protocols".

Page 2, line 2, reset in roman "under IC 4-22-2".

Page 2, line 2, delete "IC 4-22-2. and approved by the commissioner of" and insert "IC 4-22-2, including IC 4-22-2-37.1."

SECTION 2. An emergency is declared for this act."

Page 2, delete lines 3 through 16.

(Reference is to HB 1080 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

McNamara, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 36, delete "IC 5-33-4-5." and insert "IC 5-33-4-6."

Page 8, delete lines 3 through 27, begin a new paragraph and insert:

"Sec. 2. The board is composed of the following seven (7)

members, none of whom may be members of the general assembly:

(1) The governor or a designee of the governor.

(2) The president of the Indiana economic development corporation or a designee of the president who is a full-time employee of the Indiana economic development corporation.

(3) Five (5) members of the private sector tourism industry, appointed by the governor. The governor may consider individuals with experience in any of the following areas or occupations in making appointments under this subdivision:

(A) Food and beverage service.

(B) Lodging.

(C) Attractions.

(D) Destination marketing.

(E) Hospitality and tourism management educator.

(F) Tourism industry professional.

Sec. 3. (a) A member who is an elected or appointed officer under section 2(1) or 2(2) of this chapter serves as an ex officio member of the board.

(b) All members of the board are voting members.

(c) Except as provided in subsection (d), the term of a member appointed under section 2(3) of this chapter is four (4) years.

(d) The initial terms of members appointed under section 2(3) of this chapter are as follows:

(1) Three (3) members serve terms of four (4) years.

(2) Two (2) members serve terms of three (3) years.

Upon expiration of a member's initial term, the governor shall appoint a member to serve a four (4) year term.

Sec. 4. The governor or the designee of the governor is the board chair.

Sec. 5. (a) A majority of the members serving on the board constitutes a quorum.

(b) The affirmative vote of a majority of the members serving on the board is required for the board to take official action.

Sec. 6. The governor shall appoint the director of the corporation.

Sec. 7. (a) The director of the corporation serves at the pleasure of the governor.

(b) The director is the executive and chief administrative officer of the corporation."

(Reference is to HB 1115 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 5-14-1.5-6.1, AS AMENDED BY P.L.197-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.1. (a) As used in this section, "public official" means a person:

(1) who is a member of a governing body of a public agency; or

(2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following

instances:

- (1) Where authorized by federal or state statute.
- (2) For discussion of strategy with respect to any of the following:
 - (A) Collective bargaining.
 - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. As used in this clause, "litigation" includes any judicial action or administrative law proceeding under federal or state law.
 - (C) The implementation of security systems.
 - (D) ~~The purchase or lease of~~ A real property transaction including:
 - (i) a purchase;
 - (ii) a lease as lessor;
 - (iii) a lease as lessee;
 - (iv) a transfer;
 - (v) an exchange; or
 - (vi) a sale;

by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

This clause does not affect a political subdivision's duty to comply with any other statute that governs the conduct of the real property transaction, including IC 36-1-10 or IC 36-1-11.

(E) School consolidation.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

- (3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.
- (4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by:
 - (A) the Indiana economic development corporation;
 - (B) the office of tourism development;
 - (C) the Indiana finance authority;
 - (D) the ports of Indiana;
 - (E) an economic development commission;
 - (F) the Indiana state department of agriculture;
 - (G) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
 - (H) a governing body of a political subdivision.

However, this subdivision does not apply to any discussions regarding research that is prohibited under IC 16-34.5-1-2 or under any other law.

- (5) To receive information about and interview prospective employees.
- (6) With respect to any individual over whom the governing body has jurisdiction:
 - (A) to receive information concerning the individual's alleged misconduct; and
 - (B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:
 - (i) a physician; or
 - (ii) a school bus driver.
- (7) For discussion of records classified as confidential by state or federal statute.
- (8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.
- (9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

- (A) Develop a list of prospective appointees.
- (B) Consider applications.
- (C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(14) To train members of a board of aviation commissioners appointed under IC 8-22-2 or members of an airport authority board appointed under IC 8-22-3 with an outside consultant about the performance of the role of the members as public officials. A board may hold not more than one (1) executive session per calendar year under this subdivision.

(15) For discussion by the governing body of a state educational institution of:

- (A) the assessment of; or
- (B) negotiation with another entity concerning:

the establishment of a collaborative relationship or venture to advance the research, engagement, or education mission of the state educational institution. However, this subdivision does not apply to any discussions regarding research that is prohibited under IC 16-34.5-1-2 or under any other law.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection."

Page 9, line 24, delete "solicit sealed bids by providing" and insert "**provide**".

Page 9, line 25, after "notice" insert "**of the bid solicitation**".

Page 11, between lines 19 and 20, begin a new paragraph and insert:

"(e) A board may select a vendor to provide an electronic platform to accommodate the electronic bidding process."

Renumber all SECTIONS consecutively.

(Reference is to HB 1116 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 24-4.7-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This article does not apply to any of the following:

- (1) A telephone call made in response to an express request of the person called.
- (2) A telephone call made primarily in connection with an existing debt or contract for which payment or performance has not been completed at the time of the call.
- (3) A telephone call made on behalf of a charitable organization that is exempt from federal income taxation under Section 501 of the Internal Revenue Code, but only if all of the following apply:

- (A) The telephone call is made by a volunteer or an employee of the charitable organization.
- (B) The telephone solicitor who makes the telephone call immediately discloses all of the following information upon making contact with the consumer:
 - (i) The solicitor's true first and last name.
 - (ii) The name, address, and telephone number of the charitable organization.

- (4) A telephone call made by an individual licensed under IC 25-34.1 if:

- (A) the sale of goods or services is not completed; and
- (B) the payment or authorization of payment is not required;

until after a face to face sales presentation by the seller.

- (5) A telephone call made by an individual licensed under IC 27-1-15.6 or IC 27-1-15.8 when the individual is soliciting an application for insurance or negotiating a policy of insurance on behalf of an insurer (as defined in IC 27-1-2-3).

- (6) A telephone call soliciting the sale of a newspaper of general circulation, but only if the telephone call is made by a volunteer or an employee of the newspaper.

- (7) Any telephone call made to a consumer by a communications service provider (as defined in IC 8-1-32.5-4) that has an established business relationship (as defined in 47 CFR 64.1200) with the consumer.

- (8) Any telephone call made to a consumer by:

- (A) a financial institution organized or reorganized under the laws of any state or the United States; or
- (B) a person licensed by the department of financial institutions under IC 24-4.4, IC 24-4.5, or 750 IAC 9;

that has an established business relationship (as defined in 47 CFR 64.1200) with the consumer.

SECTION 2. IC 24-4.7-2-2, AS AMENDED BY P.L.226-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) "Consumer" Except as provided in subsection (b), "consumer" means a residential telephone subscriber who:

- (1) for the telephone service received:
 - (A) has a place of primary use in Indiana; or
 - (B) is issued an Indiana telephone number or an Indiana identification number; and

- (2) is an actual or a prospective:

- (A) purchaser, lessee, or recipient of consumer goods or services; or
- (B) donor to a charitable organization.

- (b) The term includes the following:

- (1) A user of a prepaid wireless calling service (as defined in IC 6-2.5-1-22.4) who:

- (1) (A) is issued an Indiana telephone number or an Indiana identification number for the service; or
- (2) (B) purchases prepaid wireless calling service in a retail transaction that is sourced to Indiana (as determined under IC 6-2.5-12-16);

regardless of whether the prepaid wireless calling service is used for personal or business purposes.

- (2) A mobile telecommunications service (as defined in IC 6-8.1-15-7) subscriber who is issued an Indiana telephone number or an Indiana identification number for the service, regardless of whether the service is used for personal or business purposes.

SECTION 3. IC 24-4.7-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. "Consumer goods or services" means any of the following:

- (1) Tangible or intangible personal property or real property that is normally used for personal, family, or household purposes.

- (2) Other tangible or intangible personal property or real property, with respect to a consumer described in section 2(b) of this chapter who:

- (A) uses a prepaid wireless calling service; or
- (B) subscribes to a mobile telecommunications service (as defined in IC 6-8.1-15-7);

for business purposes.

- (3) Property intended to be attached to or installed on real property without regard to whether it is attached or installed.

- (4) Services related to property described in subdivision (1), or (2), or (3).

- (5) Credit cards or the extension of credit.

SECTION 4. IC 24-4.7-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5.5. "Executive" means any of the following, as applicable:

- (1) With respect to a corporation, a person who is or performs the duties of the:

- (A) president;
- (B) chief executive officer;
- (C) treasurer; or
- (D) chief financial officer;

of the corporation.

- (2) With respect to a partnership, a partner authorized to act on behalf of the partnership.

- (3) With respect to a limited liability company, a member of the limited liability company who has not had the member's authority to act on behalf of the limited liability company revoked.

SECTION 5. IC 24-4.7-2-8, AS AMENDED BY P.L.226-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. "Telephone number" means a residential telephone number that:

- (1) is assigned to a subscriber who has a place of primary use in Indiana, in the case of a residential subscriber; or
- (2) otherwise represents an Indiana telephone number or is associated with an Indiana identification number.

SECTION 6. IC 24-4.7-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) The division shall allow any consumer, including a consumer described in IC 24-4.7-2-2(b) who:

- (1) uses a prepaid wireless calling service; or
- (2) subscribes to a mobile telecommunications service

(as defined in IC 6-8.1-15-7);
for business purposes, to be included in the quarterly listing of telephone numbers of persons that request not to be solicited by telephone.

(b) Before January 1, 2020, the division shall adopt any rules that the division determines to be necessary to implement this section. The division shall adopt any rules that the division determines to be necessary to implement this section in the manner provided under IC 4-22-2-37.1 for the adoption of emergency rules. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the division under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the division under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 7. IC 24-4.7-3-4, AS AMENDED BY P.L.226-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The division shall notify Indiana residents of the following:

(1) The rights and duties created by this article, including the right of any of the following consumers described in IC 24-4.7-2-2 to place a telephone number on the listing established and maintained under section 1 of this chapter.

(1) Subscribers of interconnected VOP service;

(2) Subscribers of mobile telecommunications service (as defined in IC 6-8.1-15-7);

(3) Users of a prepaid wireless calling service, as described in IC 24-4.7-2-2(b);

(2) The prohibition under 47 U.S.C. 227(b) against a person making any call using an:

(A) automatic telephone dialing system; or

(B) artificial or prerecorded voice;

to any telephone number assigned to a mobile telecommunications service (as defined in IC 6-8.1-15-7), or to another radio common carrier service.

(3) The prohibition under 47 U.S.C. 227(b) against a person initiating any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior consent of the called party, subject to the exceptions set forth in 47 U.S.C. 227(b).

(4) The right of any of the consumers described in IC 24-4.7-2-2 to place a telephone number on the National Do Not Call Registry operated by the Federal Trade Commission.

SECTION 8. IC 24-4.7-3-6, AS AMENDED BY P.L.65-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The consumer protection division telephone solicitation fund is established for the purpose of following purposes:

(1) The administration of:

(1) (A) this article;

(2) (B) IC 24-5-0.5-3(b)(19); and

(C) IC 24-5-12;

(D) IC 24-5-14; and

(3) (E) IC 24-5-14.5.

(2) The reimbursement of county prosecutors for expenses incurred in extraditing violators of any statute set forth in subdivision (1).

The fund shall be used exclusively for this purpose: these purposes.

(b) The division shall administer the fund.

(c) The division shall deposit fund consists of all revenue received:

(1) under this article;

(2) from civil penalties deposited recovered under IC 24-5-0.5-4(h); and

(3) from civil penalties recovered after June 30, 2019, under IC 24-5-12-23(b);

(4) from civil penalties recovered after June 30, 2019, under IC 24-5-14-13(b); and

(3) (5) from civil penalties deposited recovered under IC 24-5-14.5-12.

in the fund:

(d) Money in the fund is continuously appropriated to the division for the administration of:

(1) this article;

(2) IC 24-5-0.5-3(b)(19); and

(3) IC 24-5-14.5; purposes set forth in subsection (a).

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the amount of money in the fund at the end of a particular state fiscal year exceeds two hundred thousand dollars (\$200,000), the treasurer of state shall transfer the excess from the fund to the state general fund.

SECTION 9. IC 24-4.7-5-1, AS AMENDED BY P.L.153-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A telephone solicitor, a supplier, or a caller who fails to comply with any provision of IC 24-4.7-4 commits a deceptive act that is actionable by the attorney general under this chapter.

(b) A person who directly or indirectly controls a person that fails to comply with any provision of IC 24-4.7-4 commits a separate deceptive act that is actionable by the attorney general under this chapter.

(c) If:

(1) the person described in subsection (b) is an executive with respect to a telephone solicitor, a supplier, or a caller; and

(2) the telephone solicitor, supplier, or caller fails to comply with any provision of IC 24-4.7-4;

the person described in subsection (b) commits a separate deceptive act that is actionable by the attorney general under this chapter.

(d) In addition, A contractor who contracts or seeks to contract with the state:

(1) may be prohibited from contracting with the state; or

(2) may have an existing contract with the state voided;

if the contractor, an affiliate or principal of the contractor, a person that directly or indirectly controls the contractor, any agent acting on behalf of the contractor or an affiliate or principal of the contractor, or a person that directly or indirectly controls the agent does not comply or has not complied with the terms of this article, even if this article is preempted by federal law."

Delete pages 2 through 3.

Page 4, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 10. IC 24-5-0.5-3, AS AMENDED BY P.L.170-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction. Such an act, omission, or practice by a supplier is a violation of this chapter whether it occurs before, during, or after the transaction. An act, omission, or practice prohibited by this section includes both implicit and explicit misrepresentations.

(b) Without limiting the scope of subsection (a), the following acts, and the following representations as to the subject matter of a consumer transaction, made orally, in writing, or by electronic communication, by a supplier, are deceptive acts:

(1) That such subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the supplier knows or should reasonably know it does not have.

(2) That such subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is

not and if the supplier knows or should reasonably know that it is not.

(3) That such subject of a consumer transaction is new or unused, if it is not and if the supplier knows or should reasonably know that it is not.

(4) That such subject of a consumer transaction will be supplied to the public in greater quantity than the supplier intends or reasonably expects.

(5) That replacement or repair constituting the subject of a consumer transaction is needed, if it is not and if the supplier knows or should reasonably know that it is not.

(6) That a specific price advantage exists as to such subject of a consumer transaction, if it does not and if the supplier knows or should reasonably know that it does not.

(7) That the supplier has a sponsorship, approval, or affiliation in such consumer transaction the supplier does not have, and which the supplier knows or should reasonably know that the supplier does not have.

(8) That such consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the supplier knows or should reasonably know that the representation is false.

(9) That the consumer will receive a rebate, discount, or other benefit as an inducement for entering into a sale or lease in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if earning the benefit, rebate, or discount is contingent upon the occurrence of an event subsequent to the time the consumer agrees to the purchase or lease.

(10) That the supplier is able to deliver or complete the subject of the consumer transaction within a stated period of time, when the supplier knows or should reasonably know the supplier could not. If no time period has been stated by the supplier, there is a presumption that the supplier has represented that the supplier will deliver or complete the subject of the consumer transaction within a reasonable time, according to the course of dealing or the usage of the trade.

(11) That the consumer will be able to purchase the subject of the consumer transaction as advertised by the supplier, if the supplier does not intend to sell it.

(12) That the replacement or repair constituting the subject of a consumer transaction can be made by the supplier for the estimate the supplier gives a customer for the replacement or repair, if the specified work is completed and:

(A) the cost exceeds the estimate by an amount equal to or greater than ten percent (10%) of the estimate;

(B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);

(C) the total cost for services and parts for a single transaction is more than seven hundred fifty dollars (\$750); and

(D) the supplier knew or reasonably should have known that the cost would exceed the estimate in the amounts specified in clause (A).

(13) That the replacement or repair constituting the subject of a consumer transaction is needed, and that the supplier disposes of the part repaired or replaced earlier than seventy-two (72) hours after both:

(A) the customer has been notified that the work has been completed; and

(B) the part repaired or replaced has been made available for examination upon the request of the customer.

(14) Engaging in the replacement or repair of the subject

of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.

(15) The act of misrepresenting the geographic location of the supplier by listing an alternate business name or an assumed business name (as described in IC 23-0.5-3-4) in a local telephone directory if:

(A) the name misrepresents the supplier's geographic location;

(B) the listing fails to identify the locality and state of the supplier's business;

(C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and

(D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.

(16) The act of listing an alternate business name or assumed business name (as described in IC 23-0.5-3-4) in a directory assistance data base if:

(A) the name misrepresents the supplier's geographic location;

(B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and

(C) the supplier's business location is located in a county that is not contiguous to a county in the local calling area.

(17) The violation by a supplier of IC 24-3-4 concerning cigarettes for import or export.

(18) The act of a supplier in knowingly selling or reselling a product to a consumer if the product has been recalled, whether by the order of a court or a regulatory body, or voluntarily by the manufacturer, distributor, or retailer, unless the product has been repaired or modified to correct the defect that was the subject of the recall.

(19) The violation by a supplier of 47 U.S.C. 227, including any rules or regulations issued under 47 U.S.C. 227.

(20) The violation by a supplier of the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), including any rules or regulations issued under the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.).

(21) A violation of IC 24-5-7 (concerning health spa services), as set forth in IC 24-5-7-17.

(22) A violation of IC 24-5-8 (concerning business opportunity transactions), as set forth in IC 24-5-8-20.

(23) A violation of IC 24-5-10 (concerning home consumer transactions), as set forth in IC 24-5-10-18.

(24) A violation of IC 24-5-11 (concerning real property improvement contracts), as set forth in IC 24-5-11-14.

(25) A violation of IC 24-5-12 (concerning telephone solicitations), as set forth in IC 24-5-12-23.

(26) A violation of IC 24-5-13.5 (concerning buyback motor vehicles), as set forth in IC 24-5-13.5-14.

(27) A violation of IC 24-5-14 (concerning automatic dialing-announcing devices), as set forth in IC 24-5-14-13.

(28) A violation of IC 24-5-15 (concerning credit services organizations), as set forth in IC 24-5-15-11.

(29) A violation of IC 24-5-16 (concerning unlawful motor vehicle subleasing), as set forth in IC 24-5-16-18.

(30) A violation of IC 24-5-17 (concerning environmental marketing claims), as set forth in IC 24-5-17-14.

(31) A violation of IC 24-5-19 (concerning deceptive commercial solicitation), as set forth in IC 24-5-19-11.

(32) A violation of IC 24-5-21 (concerning prescription drug discount cards), as set forth in IC 24-5-21-7.

(33) A violation of IC 24-5-23.5-7 (concerning real estate appraisals), as set forth in IC 24-5-23.5-9.

(34) A violation of IC 24-5-26 (concerning identity theft), as set forth in IC 24-5-26-3.

(35) A violation of IC 24-5.5 (concerning mortgage rescue fraud), as set forth in IC 24-5.5-6-1.

(36) A violation of IC 24-8 (concerning promotional gifts and contests), as set forth in IC 24-8-6-3.

(37) A violation of IC 21-18.5-6 (concerning representations made by a postsecondary credit bearing proprietary educational institution), as set forth in IC 21-18.5-6-22.5.

(38) A violation of IC 24-5-14.5 (concerning misleading or inaccurate caller identification information), as set forth in IC 24-5-14.5-12.

(c) Any representations on or within a product or its packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such representation is true if such other supplier shall know or have reason to know that such representation was false.

(d) If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.

(e) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in reliance upon the oral or written representations of the manufacturer, the person from whom the supplier acquired the product, any testing organization, or any other person provided that the source thereof is disclosed to the consumer.

(f) For purposes of subsection (b)(12), a supplier that provides estimates before performing repair or replacement work for a customer shall give the customer a written estimate itemizing as closely as possible the price for labor and parts necessary for the specific job before commencing the work.

(g) For purposes of subsection (b)(15) and (b)(16), a telephone company or other provider of a telephone directory or directory assistance service or its officer or agent is immune from liability for publishing the listing of an alternate business name or assumed business name of a supplier in its directory or directory assistance data base unless the telephone company or other provider of a telephone directory or directory assistance service is the same person as the supplier who has committed the deceptive act.

(h) For purposes of subsection (b)(18), it is an affirmative defense to any action brought under this chapter that the product has been altered by a person other than the defendant to render the product completely incapable of serving its original purpose.

SECTION 11. IC 24-5-0.5-4, AS AMENDED BY P.L.65-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A person relying upon an uncured or incurable deceptive act may bring an action for the damages actually suffered as a consumer as a result of the deceptive act or five hundred dollars (\$500), whichever is greater. The court may increase damages for a willful deceptive act in an amount that does not exceed the greater of:

(1) three (3) times the actual damages of the consumer suffering the loss; or

(2) one thousand dollars (\$1,000).

Except as provided in subsection (j), the court may award reasonable attorney fees to the party that prevails in an action under this subsection. This subsection does not apply to a consumer transaction in real property, including a claim or

action involving a construction defect (as defined in IC 32-27-3-1(5)) brought against a construction professional (as defined in IC 32-27-3-1(4)), except for purchases of time shares and camping club memberships. This subsection does not apply with respect to a deceptive act described in section 3(b)(20) of this chapter. This subsection also does not apply to a violation of IC 24-4.7, IC 24-5-12, IC 24-5-14, or IC 24-5-14.5. Actual damages awarded to a person under this section have priority over any civil penalty imposed under this chapter.

(b) Any person who is entitled to bring an action under subsection (a) on the person's own behalf against a supplier for damages for a deceptive act may bring a class action against such supplier on behalf of any class of persons of which that person is a member and which has been damaged by such deceptive act, subject to and under the Indiana Rules of Trial Procedure governing class actions, except as herein expressly provided. Except as provided in subsection (j), the court may award reasonable attorney fees to the party that prevails in a class action under this subsection, provided that such fee shall be determined by the amount of time reasonably expended by the attorney and not by the amount of the judgment, although the contingency of the fee may be considered. Except in the case of an extension of time granted by the attorney general under IC 24-10-2-2(b) in an action subject to IC 24-10, any money or other property recovered in a class action under this subsection which cannot, with due diligence, be restored to consumers within one (1) year after the judgment becomes final shall be returned to the party depositing the same. This subsection does not apply to a consumer transaction in real property, except for purchases of time shares and camping club memberships. This subsection does not apply with respect to a deceptive act described in section 3(b)(20) of this chapter. Actual damages awarded to a class have priority over any civil penalty imposed under this chapter.

(c) The attorney general may bring an action to enjoin a deceptive act, including a deceptive act described in section 3(b)(20) of this chapter, notwithstanding subsections (a) and (b). However, the attorney general may seek to enjoin patterns of incurable deceptive acts with respect to consumer transactions in real property. In addition, the court may:

(1) issue an injunction;

(2) order the supplier to make payment of the money unlawfully received from the aggrieved consumers to be held in escrow for distribution to aggrieved consumers;

(3) for a knowing violation against a senior consumer, increase the amount of restitution ordered under subdivision (2) in any amount up to three (3) times the amount of damages incurred or value of property or assets lost;

(4) order the supplier to pay to the state the reasonable costs of the attorney general's investigation and prosecution related to the action;

(5) provide for the appointment of a receiver; and

(6) order the department of state revenue to suspend the supplier's registered retail merchant certificate, subject to the requirements and prohibitions contained in IC 6-2.5-8-7(i), if the court finds that a violation of this chapter involved the sale or solicited sale of a synthetic drug (as defined in IC 35-31.5-2-321) or a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5).

(d) In an action under subsection (a), (b), or (c), the court may void or limit the application of contracts or clauses resulting from deceptive acts and order restitution to be paid to aggrieved consumers.

(e) In any action under subsection (a) or (b), upon the filing of the complaint or on the appearance of any defendant, claimant, or any other party, or at any later time, the trial court, the supreme court, or the court of appeals may require the plaintiff, defendant, claimant, or any other party or parties to give security, or additional security, in such sum as the court

shall direct to pay all costs, expenses, and disbursements that shall be awarded against that party or which that party may be directed to pay by any interlocutory order by the final judgment or on appeal.

(f) Any person who violates the terms of an injunction issued under subsection (c) shall forfeit and pay to the state a civil penalty of not more than fifteen thousand dollars (\$15,000) per violation. For the purposes of this section, the court issuing an injunction shall retain jurisdiction, the cause shall be continued, and the attorney general acting in the name of the state may petition for recovery of civil penalties. Whenever the court determines that an injunction issued under subsection (c) has been violated, the court shall award reasonable costs to the state.

(g) If a court finds any person has knowingly violated section 3 or 10 of this chapter, other than section 3(b)(19), ~~or 3(b)(20), or 3(b)(38)~~ of this chapter, the attorney general, in an action pursuant to subsection (c), may recover from the person on behalf of the state a civil penalty of a fine not exceeding five thousand dollars (\$5,000) per violation.

(h) If a court finds that a person has violated section 3(b)(19) of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty as follows:

- (1) For a knowing or intentional violation, one thousand five hundred dollars (\$1,500).
- (2) For a violation other than a knowing or intentional violation, five hundred dollars (\$500).

A civil penalty recovered under this subsection shall be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6 to be used for the administration and enforcement of section 3(b)(19) of this chapter.

(i) A senior consumer relying upon an uncured or incurable deceptive act, including an act related to hypnotism, may bring an action to recover treble damages, if appropriate.

(j) An offer to cure is:

- (1) not admissible as evidence in a proceeding initiated under this section unless the offer to cure is delivered by a supplier to the consumer or a representative of the consumer before the supplier files the supplier's initial response to a complaint; and
- (2) only admissible as evidence in a proceeding initiated under this section to prove that a supplier is not liable for attorney's fees under subsection (k).

If the offer to cure is timely delivered by the supplier, the supplier may submit the offer to cure as evidence to prove in the proceeding in accordance with the Indiana Rules of Trial Procedure that the supplier made an offer to cure.

(k) A supplier may not be held liable for the attorney's fees and court costs of the consumer that are incurred following the timely delivery of an offer to cure as described in subsection (j) unless the actual damages awarded, not including attorney's fees and costs, exceed the value of the offer to cure.

(l) If a court finds that a person has knowingly violated section 3(b)(20) of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty not exceeding one thousand dollars (\$1,000) per consumer. In determining the amount of the civil penalty in any action by the attorney general under this subsection, the court shall consider, among other relevant factors, the frequency and persistence of noncompliance by the debt collector, the nature of the noncompliance, and the extent to which the noncompliance was intentional. A person may not be held liable in any action by the attorney general for a violation of section 3(b)(20) of this chapter if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid the error. A person may not be held liable in any action for a violation of this chapter for contacting a person other than the

debtor, if the contact is made in compliance with the Fair Debt Collection Practices Act.

(m) If a court finds that a person has knowingly or intentionally violated section 3(b)(38) of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty in accordance with IC 24-5-14.5-12(b). As specified in IC 24-5-14.5-12(b), a civil penalty recovered under IC 24-5-14.5-12(b) shall be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6 to be used for the administration and enforcement of IC 24-5-14.5. In addition to the recovery of a civil penalty in accordance with IC 24-5-14.5-12(b), the attorney general may also recover reasonable attorney fees and court costs from the person on behalf of the state. Those funds shall also be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6."

Page 4, delete lines 16 through 40, begin a new paragraph and insert:

"SECTION 13. IC 24-5-12-23, AS AMENDED BY P.L.222-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 23. **(a)** A seller who fails to comply with any provision of:

- (1) this chapter; or
- (2) IC 24-4.7;

commits a deceptive act that is actionable by the attorney general under IC 24-5-0.5-4(c) and is subject to the penalties set forth in IC 24-5-0.5. An action for a violation of IC 24-4.7 may be brought under IC 24-5-0.5-4(c) or IC 24-4.7-5. An action by the attorney general for a violation of this chapter or IC 24-4.7 may be brought in the circuit or superior court of Marion County.

(b) A civil penalty recovered by the attorney general under:

- (1) IC 24-5-0.5-4(g); or
- (2) IC 24-5-0.5-8;

for a violation of this chapter shall be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6 to be used for the administration and enforcement of this chapter.

SECTION 14. IC 24-5-14-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. **(a)** A caller who violates this chapter commits a deceptive act that is actionable by the attorney general under IC 24-5-0.5-4 and that is subject to:

- (1) the remedies and penalties under IC 24-5-0.5-4(c), IC 24-5-0.5-4(d), ~~and IC 24-5-0.5-4(f); IC 24-5-0.5-4(g); and IC 24-5-0.5-8; and~~
- (2) **a civil penalty of not more than the following:**

- (A) Ten thousand dollars (\$10,000) for the first violation.**
- (B) Twenty-five thousand dollars (\$25,000) for each violation after the first violation.**

(b) A civil penalty recovered by the attorney general under subsection (a)(2) for a violation of this chapter shall be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6 to be used for the administration and enforcement of this chapter.

SECTION 15. IC 24-5-14.5-1, AS ADDED BY P.L.151-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. **(a)** This chapter applies to the transmission of information through a caller identification service with respect to calls made after June 30, 2013, to a subscriber.

(b) After June 30, 2019, this chapter applies to the transmission of information through a caller identification service only with respect to commercial telephone solicitations made to a subscriber.

SECTION 16. IC 24-5-14.5-3.1 IS ADDED TO THE

INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 3.1. (a) As used in this chapter, "commercial telephone solicitation" means any unsolicited call that is made to a subscriber and with respect to which:**

(1) neither:

- (A) the person initiating the call; nor**
- (B) the employer or person for whom the person initiating the call is acting as an employee, an agent, or a contractor;**

has had a prior business or personal relationship with the subscriber; and

- (2) the purpose of the call is to solicit the purchase or the consideration of the purchase of goods or services by the subscriber.**

(b) The term does not include calls:

- (1) made in response to a call initiated by a subscriber; or**

(2) initiated by:

- (A) the state or a political subdivision (as defined by IC 36-1-2-13) for exclusively public purposes; or**
- (B) the United States or any of its subdivisions for exclusively public purposes (involving real property in Indiana).**

SECTION 17. IC 24-5-14.5-9, AS ADDED BY P.L.151-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9.** Except as provided in section 10 of this chapter, a person shall not, in connection with any telecommunications service or interconnected VOIP service **used in a commercial telephone solicitation**, knowingly and with the intent to defraud or cause harm to another person or to wrongfully obtain anything of value, cause any caller identification service to transmit misleading or inaccurate caller identification information to a subscriber.

SECTION 18. IC 24-5-14.5-12, AS ADDED BY P.L.151-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 12.** (a) Except as provided in subsection (b) **or in IC 24-5-0.5**, a person who violates this chapter commits a deceptive act that is:

- (1) actionable by the attorney general under IC 24-5-0.5-4(c); and**
- (2) subject to the remedies and penalties set forth in IC 24-5-0.5.**

An action by the attorney general for a violation of this chapter may be brought in the circuit or superior court of Marion County.

(b) If the attorney general brings an action under this section and proves by a preponderance of the evidence that a person has knowingly or intentionally violated section 9 of this chapter, the attorney general may recover from the person on behalf of the state a civil penalty of not more than ten thousand dollars (\$10,000) per violation. A civil penalty recovered under this subsection shall be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6 to be used for the administration and enforcement of this chapter.

SECTION 19. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to the interim study committee on corrections and criminal code the task of studying the following:**

(1) Whether existing criminal penalties for violations of the statutes concerning:

- (A) telephone solicitations (IC 24-5-12);**
- (B) the regulation of automatic dialing-announcing devices (IC 24-5-14); and**
- (C) misleading or inaccurate caller identification (IC 24-5-14.5);**

should be increased.

(2) The potential effects of increasing criminal

penalties for violations of the statutes set forth in subdivision (1) on:

(A) the ability of the office of the attorney general to enforce compliance with the statutes; and

(B) the state's criminal justice system.

(b) This SECTION expires January 1, 2020.

SECTION 20. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

Soliday, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1125, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1125 as introduced.)

Committee Vote: Yeas 13, Nays 0.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1136, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 24-4.5-2-202, AS AMENDED BY P.L.69-2018, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 202.** (1) In addition to the credit service charge permitted by this chapter, a seller may contract for and receive any of the following additional charges in connection with a consumer credit sale:

(a) Official fees and taxes.

(b) Charges for insurance as described in subsection (2).

(c) Notwithstanding provisions of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) concerning disclosure, charges for other benefits, including insurance, conferred on the consumer, if the benefits are of value to the consumer and if the charges are reasonable in relation to the benefits, and are excluded as permissible additional charges from the credit service charge. With respect to any additional charge not specifically provided for in this section, to be a permitted charge under this subsection the seller must submit a written explanation of the charge to the department indicating how the charge would be assessed and the value or benefit to the consumer. Supporting documents may be required by the department. The department shall determine whether the charge would be of benefit to the consumer and is reasonable in relation to the benefits.

(d) A charge not to exceed twenty-five dollars (\$25) for each returned payment by a bank or other depository institution of a dishonored check, electronic funds transfer, negotiable order of withdrawal, or share draft issued by the consumer.

(e) Annual participation fees assessed in connection with a revolving charge account. Annual participation fees must:

- (i) be reasonable in amount;**

- (ii) bear a reasonable relationship to the seller's costs to maintain and monitor the charge account; and
- (iii) not be assessed for the purpose of circumvention or evasion of this article, as determined by the department.
- (f) A charge not to exceed twenty-five dollars (\$25) for a skip-a-payment service, subject to the following:
 - (i) At the time of use of the service, the consumer must be given written notice of the amount of the charge and must acknowledge the amount in writing, including by electronic signature.
 - (ii) A charge for a skip-a-payment service may not be assessed with respect to a consumer credit sale subject to the provisions on rebate upon prepayment that are set forth in section 210 of this chapter.
 - (iii) A charge for a skip-a-payment service may not be assessed with respect to any payment for which a delinquency charge has been assessed under section 203.5 of this chapter.
- (g) A charge not to exceed ten dollars (\$10) for an optional expedited payment service, subject to the following:
 - (i) The charge may be assessed only upon request by the consumer to use the expedited payment service.
 - (ii) The amount of the charge must be disclosed to the consumer at the time of the consumer's request to use the expedited payment service.
 - (iii) The consumer must be informed that the consumer retains the option to make a payment by traditional means.
 - (iv) The charge may not be established in advance, through any agreement with the consumer, as the expected method of payment.
 - (v) The charge may not be assessed with respect to any payment for which a delinquency charge has been assessed under section 203.5 of this chapter.
- (h) A charge for a GAP agreement, subject to subsection (4).
- (i) A charge not to exceed ten dollars (\$10) for procuring a credit report.**
- (2) An additional charge may be made for insurance written in connection with the sale, other than insurance protecting the seller against the consumer's default or other credit loss:
 - (a) with respect to insurance against loss of or damage to property, or against liability, if the seller furnishes a clear and specific statement in writing to the consumer, setting forth the cost of the insurance if obtained from or through the seller and stating that the consumer may choose the person, subject to the seller's reasonable approval, through whom the insurance is to be obtained; and
 - (b) with respect to consumer credit insurance providing life, accident, unemployment or other loss of income, or health coverage, if the insurance coverage is not a factor in the approval by the seller of the extension of credit and is clearly disclosed in writing to the consumer, and if, in order to obtain the insurance in connection with the extension of credit, the consumer gives specific, affirmative, written indication of the desire to do so after written disclosure of the cost.
- (3) With respect to a subordinate lien mortgage transaction, the following closing costs, if the costs are bona fide, reasonable in amount, and not for the purpose of circumvention or evasion of this article:
 - (a) fees for title examination, abstract of title, title insurance, property surveys, or similar purposes;
 - (b) fees for preparing deeds, mortgages, and reconveyance, settlement, and similar documents;
 - (c) notary and credit report fees;
 - (d) amounts required to be paid into escrow or trustee accounts if the amounts would not otherwise be included in the credit service charge; and
 - (e) appraisal fees.
- (4) An additional charge may be made for a GAP agreement, subject to the following:
 - (a) A GAP agreement or GAP coverage may not be required by the seller, and that fact must be disclosed in writing to the consumer.
 - (b) The charge for the initial term of coverage under the GAP agreement must be disclosed in writing to the consumer. The charge may be disclosed on a unit-cost basis only in the case of the following transactions:
 - (i) Revolving charge accounts.
 - (ii) Closed-end credit transactions, if the request for coverage is made by mail or telephone.
 - (iii) Closed-end credit transactions, if the GAP agreement limits the total amount of indebtedness eligible for coverage.
 - (c) If the term of coverage under the GAP agreement is less than the term of the consumer credit sale, the term of coverage under the GAP agreement must be disclosed in writing to the consumer.
 - (d) The consumer must sign or initial an affirmative written request for coverage after receiving all required disclosures.
 - (e) The GAP agreement must include the following:
 - (i) In the case of GAP coverage for a new motor vehicle, the manufacturer's suggested retail price (MSRP) for the motor vehicle.
 - (ii) In the case of GAP coverage for a used motor vehicle, the National Automobile Dealers Association (NADA) average retail value for the motor vehicle.
 - (iii) The name of the financing entity taking assignment of the agreement.
 - (iv) The name and address of the consumer.
 - (v) The name of the creditor selling the agreement.
 - (vi) Information advising the consumer that the consumer may be able to obtain similar coverage from the consumer's primary insurance carrier.
 - (vii) A coverage provision that includes a minimum deductible of five hundred dollars (\$500).
 - (viii) A provision providing for a minimum thirty (30) day free-look period.
 - (ix) In the case of a consumer credit sale involving a motor vehicle, a provision excluding the sale of GAP coverage if the amount financed under the consumer credit sale (not including the cost of the GAP agreement, the cost of any credit insurance, and the cost of any warranties or service agreements) is less than eighty percent (80%) of the manufacturer's suggested retail price (MSRP), in the case of a new motor vehicle, or of the National Automobile Dealers Association (NADA) average retail value, in the case of a used motor vehicle.
 - (x) In the case of a GAP agreement in which the charge for the agreement exceeds four hundred dollars (\$400), specific instructions that may be used by the consumer to cancel the agreement and obtain a refund of the unearned GAP charge before prepayment in full, in accordance with the procedures, and subject to the conditions, set forth in subdivision (f).
 - (f) If the charge for the GAP agreement exceeds four hundred dollars (\$400), the consumer is entitled to cancel the agreement and obtain a refund of the unearned GAP charge before prepayment in full. Refunds of unearned GAP charges shall be made subject to the following conditions:
 - (i) A refund of the charge for a GAP agreement must be calculated using a method that is no less favorable to the consumer than a refund calculated on a pro rata basis.
 - (ii) The consumer is entitled to a refund of the unearned

GAP agreement charge as outlined in the GAP agreement.

(iii) The seller of the GAP agreement is responsible for making a timely refund to the consumer of unearned GAP agreement charges under the terms and conditions of the GAP agreement.

(g) Upon prepayment in full of the consumer credit sale:
(i) the GAP coverage is automatically terminated; and
(ii) the seller of the GAP agreement must issue a refund in accordance with subdivision (f).

(h) A creditor that sells GAP agreements must:
(i) insure its GAP agreement obligations under a contractual liability insurance policy issued by an insurer authorized to engage in the insurance business in Indiana; and
(ii) retain appropriate records, as required under this article, regarding GAP agreements sold, refunded, and expired.

(5) As used in this section, "expedited payment service" means a service offered to a consumer to ensure that a payment made by the consumer with respect to a consumer credit sale will be reflected as paid and posted on an expedited basis.

(6) As used in this section:

- (a) "guaranteed asset protection agreement";
- (b) "guaranteed auto protection agreement"; or
- (c) "GAP agreement";

means, with respect to consumer credit sales involving motor vehicles or other titled assets, an agreement in which the seller agrees to cancel or waive all or part of the outstanding debt after all property insurance benefits have been exhausted after the occurrence of a specified event.

(7) As used in this section, "skip-a-payment service" means a service that:

- (a) is offered by a creditor to a consumer; and
- (b) permits the consumer to miss or skip a payment due under a consumer credit sale without resulting in default.

SECTION 2. IC 24-4.5-2-203.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 203.5. Delinquency Charges — (1) With respect to a consumer credit sale, refinancing, or consolidation, the parties may contract for a delinquency charge of not more than:

- (a) five dollars (\$5) on any installment or minimum payment due **that is not paid in full within ten (10) days after its scheduled due date, if installments under the consumer credit sale, refinancing, or consolidation are due every fourteen (14) days or less;**
- (b) **twenty-five dollars (\$25) on any installment or minimum payment due that is not paid in full within ten (10) days after its scheduled due date, if installments under the consumer credit sale, refinancing, or consolidation are due every fifteen (15) days or more; or**
- (c) **twenty-five dollars (\$25) on any installment or minimum payment due that is not paid in full within ten (10) days after its scheduled due date, in the case of a consumer credit sale, refinancing, or consolidation that is payable in a single installment that is due at least thirty (30) days after the consumer credit sale, refinancing, or consolidation is made.**

(2) A delinquency charge under this section may be collected only once on an installment however long it remains in default. A delinquency charge on consumer credit sales made under a revolving charge account may be applied each month that the payment is less than the minimum required payment. A delinquency charge may be collected any time after it accrues. No delinquency charge may be collected if the installment has been deferred and a deferral charge (IC 24-4.5-2-204) has been paid or incurred.

(3) A delinquency charge may not be collected on an installment or payment due that is paid in full within ten (10)

days after its scheduled due date even though an earlier maturing installment, minimum payment, or a delinquency charge on:

- (a) an earlier installment; or**
- (b) payment due;**

may not have been paid in full. For purposes of this subsection, payments are applied first to current installments or payments due and then to delinquent installments or payments due.

(3) A creditor may not, directly or indirectly, charge or collect a delinquency charge on a payment that:

- (a) is paid within ten (10) days after its scheduled due date; and**
- (b) is otherwise a full payment of the payment due for the applicable installment period;**

if the only delinquency with respect to the consumer credit sale, refinancing, or consolidation is attributable to a delinquency charge assessed on an earlier installment.

(4) If two (2) or more installments, or parts of two (2) or more installments, of a precomputed consumer credit sale are in default for ten (10) days or more, the creditor may elect to convert the consumer credit sale from a precomputed consumer credit sale to a consumer credit sale in which the credit service charge is based on unpaid balances. A creditor that makes this election shall make a rebate under the provisions on rebates upon prepayment under IC 24-4.5-2-210 as of the maturity date of the first delinquent installment, and thereafter may make a credit service charge as authorized by the provisions on credit service charges for consumer credit sales under IC 24-4.5-2-201. The amount of the rebate shall not be reduced by the amount of any permitted minimum charge under IC 24-4.5-2-210. Any deferral charges made on installments due at or after the maturity date of the first delinquent installment shall be rebated, and no further deferral charges shall be made.

(5) The amount of five dollars (\$5) in subsection (1) is subject to change under the section on adjustment of dollar amounts (IC 24-4.5-1-106):

(6) (5) If the parties provide by contract for a delinquency charge that is subject to change, the seller shall disclose in the contract that the amount of the delinquency charge is subject to change as allowed by IC 24-4.5-1-106.

SECTION 3. IC 24-4.5-3-202, AS AMENDED BY P.L.69-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 202. (1) In addition to the loan finance charge permitted by this chapter, a lender may contract for and receive the following additional charges in connection with a consumer loan:

- (a) Official fees and taxes.
- (b) Charges for insurance as described in subsection (2).
- (c) Annual participation fees assessed in connection with a revolving loan account. Annual participation fees must:
 - (i) be reasonable in amount;
 - (ii) bear a reasonable relationship to the lender's costs to maintain and monitor the loan account; and
 - (iii) not be assessed for the purpose of circumvention or evasion of this article, as determined by the department.
- (d) With respect to a debt secured by an interest in land, the following closing costs, if they are bona fide, reasonable in amount, and not for the purpose of circumvention or evasion of this article:
 - (i) Fees for title examination, abstract of title, title insurance, property surveys, or similar purposes.
 - (ii) Fees for preparing deeds, mortgages, and reconveyance, settlement, and similar documents.
 - (iii) Notary and credit report fees.
 - (iv) Amounts required to be paid into escrow or trustee accounts if the amounts would not otherwise be included in the loan finance charge.
 - (v) Appraisal fees.
- (e) Notwithstanding provisions of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) concerning

disclosure, charges for other benefits, including insurance, conferred on the debtor, if the benefits are of value to the debtor and if the charges are reasonable in relation to the benefits, and are excluded as permissible additional charges from the loan finance charge. With respect to any other additional charge not specifically provided for in this section to be a permitted charge under this subsection, the creditor must submit a written explanation of the charge to the department indicating how the charge would be assessed and the value or benefit to the debtor. Supporting documents may be required by the department. The department shall determine whether the charge would be of benefit to the debtor and is reasonable in relation to the benefits.

(f) A charge not to exceed twenty-five dollars (\$25) for each returned payment by a bank or other depository institution of a dishonored check, electronic funds transfer, negotiable order of withdrawal, or share draft issued by the debtor.

(g) With respect to a revolving loan account, a fee not to exceed twenty-five dollars (\$25) in each billing cycle during which the balance due under the revolving loan account exceeds by more than one hundred dollars (\$100) the maximum credit limit for the account established by the lender.

(h) With respect to a revolving loan account, a transaction fee that may not exceed the ~~lesser~~ **greater** of the following:

- (i) Two percent (2%) of the amount of the transaction.
- (ii) Ten dollars (\$10).

(i) A charge not to exceed twenty-five dollars (\$25) for a skip-a-payment service, subject to the following:

(i) At the time of use of the service, the consumer must be given written notice of the amount of the charge and must acknowledge the amount in writing, including by electronic signature.

(ii) A charge for a skip-a-payment service may not be assessed with respect to a consumer loan subject to the provisions on rebate upon prepayment that are set forth in section 210 of this chapter.

(iii) A charge for a skip-a-payment service may not be assessed with respect to any payment for which a delinquency charge has been assessed under section 203.5 of this chapter.

(j) A charge not to exceed ten dollars (\$10) for an optional expedited payment service, subject to the following:

(i) The charge may be assessed only upon request by the consumer to use the expedited payment service.

(ii) The amount of the charge must be disclosed to the consumer at the time of the consumer's request to use the expedited payment service.

(iii) The consumer must be informed that the consumer retains the option to make a payment by traditional means.

(iv) The charge may not be established in advance, through any agreement with the consumer, as the expected method of payment.

(v) The charge may not be assessed with respect to any payment for which a delinquency charge has been assessed under section 203.5 of this chapter.

(k) This subdivision applies to a CPAP transaction offered or entered into after June 30, 2016. With respect to a CPAP transaction, a CPAP provider may impose the following charges and fees:

(i) A fee calculated at an annual rate that does not exceed thirty-six percent (36%) of the funded amount.

(ii) A servicing charge calculated at an annual rate that does not exceed seven percent (7%) of the funded amount.

(iii) If the funded amount of the CPAP transaction is

less than five thousand dollars (\$5,000), a one (1) time charge that does not exceed two hundred fifty dollars (\$250) for obtaining and preparing documents.

(iv) If the funded amount of the CPAP transaction is at least five thousand dollars (\$5,000), a one (1) time charge that does not exceed five hundred dollars (\$500) for obtaining and preparing documents.

A CPAP provider may not assess, or collect from the consumer claimant, any other fee or charge in connection with a CPAP transaction, including any finance charges under section 201 or 508 of this chapter.

(l) A charge for a GAP agreement, subject to subsection (3).

(m) With respect to consumer loans made by a person exempt from licensing under IC 24-4.5-3-502(1), a charge for a debt cancellation agreement, subject to the following:

(i) A debt cancellation agreement or debt cancellation coverage may not be required by the lender, and that fact must be disclosed in writing to the consumer.

(ii) The charge for the initial term of coverage under the debt cancellation agreement must be disclosed in writing to the consumer. The charge may be disclosed on a unit-cost basis only in the case of revolving loan accounts, closed-end credit transactions if the request for coverage is made by mail or telephone, and closed-end credit transactions if the debt cancellation agreement limits the total amount of indebtedness eligible for coverage.

(iii) If the term of coverage under the debt cancellation agreement is less than the term of the consumer loan, the term of coverage under the debt cancellation agreement must be disclosed in writing to the consumer.

(iv) The consumer must sign or initial an affirmative written request for coverage after receiving all required disclosures.

(v) If debt cancellation coverage for two (2) or more events is provided for in a single charge under a debt cancellation agreement, the entire charge may be excluded from the loan finance charge and imposed as an additional charge under this section if at least one (1) of the events is the loss of life, health, or income.

(n) A charge not to exceed ten dollars (\$10) for procuring a credit report.

The additional charges provided for in subdivisions (f) through (k) **and in subdivision (n)** are not subject to refund or rebate.

(2) An additional charge may be made for insurance in connection with the loan, other than insurance protecting the lender against the debtor's default or other credit loss:

(a) with respect to insurance against loss of or damage to property or against liability, if the lender furnishes a clear and specific statement in writing to the debtor, setting forth the cost of the insurance if obtained from or through the lender and stating that the debtor may choose the person, subject to the lender's reasonable approval, through whom the insurance is to be obtained; and

(b) with respect to consumer credit insurance providing life, accident, unemployment or other loss of income, or health coverage, if the insurance coverage is not a factor in the approval by the lender of the extension of credit and this fact is clearly disclosed in writing to the debtor, and if, in order to obtain the insurance in connection with the extension of credit, the debtor gives specific affirmative written indication of the desire to do so after written disclosure of the cost of the insurance.

(3) An additional charge may be made for a GAP agreement, subject to the following:

(a) A GAP agreement or GAP coverage may not be required by the lender, and that fact must be disclosed in writing to the consumer.

(b) The charge for the initial term of coverage under the GAP agreement must be disclosed in writing to the consumer. The charge may be disclosed on a unit-cost basis only in the case of the following transactions:

- (i) Revolving loan accounts.
- (ii) Closed-end credit transactions, if the request for coverage is made by mail or telephone.
- (iii) Closed-end credit transactions, if the GAP agreement limits the total amount of indebtedness eligible for coverage.

(c) If the term of coverage under the GAP agreement is less than the term of the consumer loan, the term of coverage under the GAP agreement must be disclosed in writing to the consumer.

(d) The consumer must sign or initial an affirmative written request for coverage after receiving all required disclosures.

(e) The GAP agreement must include the following:

- (i) In the case of GAP coverage for a new motor vehicle, the manufacturer's suggested retail price (MSRP) for the motor vehicle.
- (ii) In the case of GAP coverage for a used motor vehicle, the National Automobile Dealers Association (NADA) average retail value for the motor vehicle.
- (iii) The name of the financing entity taking assignment of the agreement, as applicable.
- (iv) The name and address of the consumer.
- (v) The name of the lender selling the agreement.
- (vi) Information advising the consumer that the consumer may be able to obtain similar coverage from the consumer's primary insurance carrier.
- (vii) A coverage provision that includes a minimum deductible of five hundred dollars (\$500).
- (viii) A provision providing for a minimum thirty (30) day trial period.
- (ix) In the case of a consumer loan made with respect to a motor vehicle, a provision excluding the sale of GAP coverage if the amount financed under the consumer loan (not including the cost of the GAP agreement, the cost of any credit insurance, and the cost of any warranties or service agreements) is less than eighty percent (80%) of the manufacturer's suggested retail price (MSRP), in the case of a new motor vehicle, or of the National Automobile Dealers Association (NADA) average retail value, in the case of a used motor vehicle.
- (x) In the case of a GAP agreement in which the charge for the agreement exceeds four hundred dollars (\$400), specific instructions that may be used by the consumer to cancel the agreement and obtain a refund of the unearned GAP charge before prepayment in full, in accordance with the procedures, and subject to the conditions, set forth in subdivision (f).

(f) If the charge for the GAP agreement exceeds four hundred dollars (\$400), the consumer is entitled to cancel the agreement and obtain a refund of the unearned GAP charge before prepayment in full. Refunds of unearned GAP charges shall be made subject to the following conditions:

- (i) A refund of the charge for a GAP agreement must be calculated using a method that is no less favorable to the consumer than a refund calculated on a pro rata basis.
- (ii) The consumer is entitled to a refund of the unearned GAP agreement charge as outlined in the GAP agreement.
- (iii) The seller of the GAP agreement, or the seller's assignee, is responsible for making a timely refund to the consumer of unearned GAP agreement charges under the terms and conditions of the GAP agreement.

(g) Upon prepayment in full of the consumer loan:

- (i) the GAP coverage is automatically terminated; and
- (ii) the seller of the GAP agreement must issue a refund in accordance with subdivision (f).

(h) A lender that sells GAP agreements must:

- (i) insure its GAP agreement obligations under a contractual liability insurance policy issued by an insurer authorized to engage in the insurance business in Indiana; and
- (ii) retain appropriate records, as required under this article, regarding GAP agreements sold, refunded, and expired.

(4) As used in this section, "debt cancellation agreement" means an agreement that provides coverage for payment or satisfaction of all or part of a debt in the event of the loss of life, health, or income. The term does not include a GAP agreement.

(5) As used in this section, "expedited payment service" means a service offered to a consumer to ensure that a payment made by the consumer with respect to a consumer loan will be reflected as paid and posted on an expedited basis.

(6) As used in this section:

- (a) "guaranteed asset protection agreement";
- (b) "guaranteed auto protection agreement"; or
- (c) "GAP agreement";

means, with respect to consumer loans involving motor vehicles or other titled assets, an agreement in which the lender agrees to cancel or waive all or part of the outstanding debt after all property insurance benefits have been exhausted after the occurrence of a specified event.

(7) As used in this section, "skip-a-payment service" means a service that:

- (a) is offered by a lender to a consumer; and
- (b) permits the consumer to miss or skip a payment due under a consumer loan without resulting in default.

SECTION 4. IC 24-4.5-3-203.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 203.5. Delinquency Charges — (1) With respect to a consumer loan, refinancing, or consolidation, the parties may contract for a delinquency charge of not more than:

- (a) five dollars (\$5) on any installment or minimum payment due **that is not paid in full within ten (10) days after its scheduled due date, if installments under the consumer loan, refinancing, or consolidation are due every fourteen (14) days or less;**
- (b) **twenty-five dollars (\$25) on any installment or minimum payment due that is not paid in full within ten (10) days after its scheduled due date, if installments under the consumer loan, refinancing, or consolidation are due every fifteen (15) days or more; or**
- (c) **twenty-five dollars (\$25) on any installment or minimum payment due that is not paid in full within ten (10) days after its scheduled due date, in the case of a consumer loan, refinancing, or consolidation that is payable in a single installment that is due at least thirty (30) days after the consumer loan, refinancing, or consolidation is made.**

(2) A delinquency charge under this section may be collected only once on an installment however long it remains in default. With regard to a delinquency charge on consumer loans made under a revolving loan account, the delinquency charge may be applied each month that the payment is less than the minimum required payment on the account. A delinquency charge may be collected any time after it accrues. A delinquency charge may not be collected if the installment has been deferred and a deferral charge (IC 24-4.5-3-204) has been paid or incurred.

~~(3) A delinquency charge may not be collected on an installment or payment due that is paid in full within ten (10) days after its scheduled due date even though an earlier maturing installment, minimum payment, or a delinquency charge on:~~

- (a) an earlier installment; or
- (b) payment due;

may not have been paid in full. For purposes of this subsection, payments are applied first to current installments or payments due and then to delinquent installments or payments due.

(3) A creditor may not, directly or indirectly, charge or collect a delinquency charge on a payment that:

- (a) is paid within ten (10) days after its scheduled due date; and

- (b) is otherwise a full payment of the payment due for the applicable installment period;

if the only delinquency with respect to the consumer loan, refinancing, or consolidation is attributable to a delinquency charge assessed on an earlier installment.

(4) If two (2) or more installments, or parts of two (2) or more installments, of a precomputed loan are in default for ten (10) days or more, the lender may elect to convert the loan from a precomputed loan to a loan in which the finance charge is based on unpaid balances. A lender that makes this election shall make a rebate under the provisions on rebates upon prepayment (IC 24-4.5-3-210) as of the maturity date of the first delinquent installment, and thereafter may make a loan finance charge as authorized by the provisions on loan finance charges for consumer loans (IC 24-4.5-3-201) or supervised loans (IC 24-4.5-3-508). The amount of the rebate shall not be reduced by the amount of any permitted minimum charge (IC 24-4.5-3-210). Any deferral charges made on installments due at or after the maturity date of the first delinquent installment shall be rebated, and no further deferral charges shall be made.

(5) The amount of five dollars (\$5) in subsection (1) is subject to change pursuant to the section on adjustment of dollar amounts (IC 24-4.5-1-106).

(6) (5) If the parties provide by contract for a delinquency charge that is subject to change, the lender shall disclose in the contract that the amount of the delinquency charge is subject to change as allowed by IC 24-4.5-1-106."

Renumber all SECTIONS consecutively.

(Reference is to HB 1136 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "board" refers to the state board of accounts."

Page 1, line 5, delete "Sec. 1." and insert "Sec. 2."

Page 1, line 7, delete "Sec. 2." and insert "Sec. 3."

Page 1, line 10, delete "Sec. 3." and insert "Sec. 4."

Page 1, line 12, delete "Sec. 4." and insert "Sec. 5."

Page 1, line 16, delete "Sec. 5. (a) The department shall adopt rules that describe," and insert "Sec. 6. (a) The department and the board shall develop a checklist that describes,"

Page 2, line 2, after "office." insert "The department and the board shall work with the Association of Indiana Counties, Accelerate Indiana Municipalities, and other local government associations in developing the checklist under this section."

Page 2, line 3, delete "The rules adopted by the department" and insert "The checklist adopted by the department and the board".

Page 2, line 7, delete "Sec. 6. (a) Not later than ten (10)" and

insert "Sec. 7. (a) Not later than fourteen (14)".

Page 2, line 10, delete "rules adopted by the" and insert "checklist developed by the department and the board under section 6 of this chapter."

Page 2, delete line 11.

Page 2, line 12, delete "ten (10)" and insert "fourteen (14)".

Page 2, line 14, delete "rules adopted by the department under section 5 of" and insert "the checklist developed by the department and the board under section 6 of".

Page 2, line 19, delete "Sec. 7." and insert "Sec. 8."

Page 2, line 21, delete "6(a)" and insert "7(a)".

Page 2, line 23, delete "6(b)" and insert "7(b)".

Page 2, line 30, delete "6(a)" and insert "7(a)".

Page 2, line 38, delete "6(b)" and insert "7(b)".

Page 3, after line 9, begin a new paragraph and insert:

"SECTION 2. IC 36-6-4-14, AS AMENDED BY P.L.127-2017, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) When the executive's term of office expires, the former executive shall:

(1) immediately deliver to the new executive custody of all funds and property of the township; ~~except records necessary in the preparation of the former executive's annual report;~~

(2) deliver to the new executive, not later than the second Monday in the next January, the former executive's annual report; ~~and any records the former executive has retained;~~ and

(3) attend the annual meeting of the township legislative body held under IC 36-6-6-9 and submit to inquiries from the legislative body concerning the operation of the executive's office during the preceding calendar year.

(b) The new executive shall give the former executive access to the records necessary in the preparation of the former executive's annual report."

(Reference is to HB 1140 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1150, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 5, delete "IC 5-2-23-5);" and insert "IC 5-2-23-6);".

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"Sec. 5. (a) This section applies to treatments, programs, or services offered by one (1) or more of the following:

(1) The department of corrections.

(2) A community corrections program (as defined under IC 35-38-2.6-2).

(3) A court.

(b) Nothing in this chapter shall be construed to prevent a person from enrolling in, participating in, or receiving the benefit of one (1) or more of the following treatments, programs, or services if the person is otherwise eligible to receive or participate in the treatment, program, or service:

(1) Mental health evaluation or treatment.

(2) Substance abuse evaluation or treatment.

(3) Community transition programs or services.

(4) Any other program, service, or treatment that is designed to provide rehabilitation or reintegration services to an incarcerated person."

Page 3, line 9, delete "Sec. 5." and insert "Sec. 6."

Page 3, line 22, delete "Sec. 6." and insert "Sec. 7."

Page 4, line 2, delete "IC 5-2-23-5," and insert "**IC 5-2-23-6**,".

(Reference is to HB 1150 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1175, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "a" and insert "**a**:".

Page 1, delete lines 4 through 5, begin a new line block indented and insert:

- "(1) licensed clinical social worker;**
- (2) licensed mental health counselor;**
- (3) licensed clinical addiction counselor; and**
- (4) licensed marriage and family therapist;"**.

Page 1, line 6, delete "family therapist".

Page 1, line 8, after "if" insert "**the individual holds at least a master's degree and**".

(Reference is to HB 1175 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

KIRCHHOFFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1186, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1186 as introduced.)

Committee Vote: Yeas 11, Nays 2.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1208, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1208 as introduced.)

Committee Vote: Yeas 12, Nays 0.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert the following:

"SECTION 1. IC 32-29-7-3, AS AMENDED BY P.L.247-2015, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) In a proceeding for the foreclosure of a mortgage executed on real estate, process may not issue for the execution of a judgment or decree of sale for a period of three (3) months after the filing of a complaint in the proceeding. However:

(1) the period is:

(A) twelve (12) months in a proceeding for the foreclosure of a mortgage executed before January 1, 1958; and

(B) six (6) months in a proceeding for the foreclosure of a mortgage executed after December 31, 1957, but before July 1, 1975; and

(2) if the court finds under IC 32-30-10.6 that the mortgaged real estate has been abandoned, a judgment or decree of sale may be executed on the date the judgment of foreclosure or decree of sale is entered, regardless of the date the mortgage is executed.

(b) A judgment and decree in a proceeding to foreclose a mortgage that is entered by a court having jurisdiction may be filed with the clerk in any county as provided in IC 33-32-3-2. After the period set forth in subsection (a) expires, a person who may enforce the judgment and decree may file a praecipe with the clerk in any county where the judgment and decree is filed, and the clerk shall promptly issue and certify to the sheriff of that county a copy of the judgment and decree under the seal of the court. However, if:

(1) a praecipe is not filed with the clerk within one hundred eighty (180) days after the later of the dates on which:

(A) the period specified in subsection (a) expires; or

(B) the judgment and decree is filed; and

(2) the sale is not:

(A) otherwise prohibited by law;

(B) subject to a voluntary statewide foreclosure moratorium; or

(C) subject to a written agreement that:

(i) provides for a delay in the sale of the mortgaged real estate; and

(ii) is executed by and between the owner of the mortgaged real estate and a party entitled to enforce the judgment and decree;

an enforcement authority that has issued an abatement order under IC 36-7-36-9 with respect to the mortgaged real estate may file a praecipe with the clerk in any county where the judgment and decree is filed. If an enforcement authority files a praecipe under this subsection, the clerk of the county in which the praecipe is filed shall promptly issue and certify to the sheriff of that county a copy of the judgment and decree under the seal of the court.

(c) Upon receiving a certified judgment under subsection (b), the sheriff shall, subject to section 4 of this chapter, sell the mortgaged premises or as much of the mortgaged premises as necessary to satisfy the judgment, interest, and costs at public auction at the office of the sheriff or at another location that is reasonably likely to attract higher competitive bids. The sheriff shall schedule the date and time of the sheriff's sale for:

(1) a date not later than:

(A) sixty (60) days after the date on which a judgment and decree under IC 32-30-10.6-5; and

(B) one hundred twenty (120) days after the date on which a judgment and decree in all other cases; under seal of the court is certified to the sheriff by the clerk; and

(2) a time certain between the hours of 10 a.m. and 4 p.m. on any day of the week except Sunday.

(d) **Subject to subsections (e), (k), and (l), and notwithstanding IC 5-3-1**, before selling mortgaged property, the sheriff must advertise the sale by **arranging for the posting of a notice of the sale:**

(1) on the Internet web site maintained by each county in which the real estate is located; or

(2) on the Internet web site maintained by the office of the sheriff;

at the discretion of the sheriff. IC 5-3-1-2.3 concerning an error or omission in a legal notice published in a newspaper

applies to a notice of sale posted on an Internet web site under this subsection.

(e) Subject to subsection (g), if:

- (1) a county in which the real estate is located does not maintain an Internet web site; and
- (2) the office of the sheriff does not maintain an Internet web site;

the sheriff shall advertise the sale by publication once each week for three (3) successive weeks in a at least one (1) daily or weekly newspaper of general circulation in the county. The sheriff shall publish the advertisement in at least one (1) newspaper published and circulated in each county where the real estate is situated. The first publication shall be made at least thirty (30) days before the date of sale.

(f) At the time of posting the advertisement under subsection (d), or of placing the first advertisement by publication under subsection (e), as applicable, the sheriff shall also do the following:

- (1) Serve a copy of the written or printed notice of sale upon each owner of the real estate. Service of the written notice shall be made as provided in the Indiana Rules of Trial Procedure governing service of process upon a person. The sheriff shall charge a fee of ten dollars (\$10) to one (1) owner and three dollars (\$3) to each additional owner for service of written notice under this subsection. The fee is:

- (1) (A) a cost of the proceeding;
- (2) (B) to be collected as other costs of the proceeding are collected; and
- (3) (C) to be deposited in the county general fund for appropriation for operating expenses of the sheriff's department.

(e) The sheriff also shall (2) Post written or printed notices of the sale at the door of the courthouse of each county in which the real estate is located.

(f) (g) If the sheriff is unable to procure the publication of a notice within the county under subsection (e), the sheriff may dispense with publication. The sheriff shall state execute a written statement indicating that the sheriff was not able to procure the publication and explain explaining the reason why publication was not possible. The sheriff shall:

- (1) maintain a record, in a printed or an electronic format, of the written statement required by this subsection for a period of not less than three (3) years from the date of execution of the statement; and
- (2) make the statement available to the public upon request.

(g) (h) Notices under subsections (d), (e), (f), and (i) must contain a statement, for informational purposes only, of the location of each property by street address, if any, or other common description of the property other than legal description. A misstatement in the informational statement under this subsection does not invalidate an otherwise valid sale.

(h) (i) The sheriff may charge an administrative fee of not more than two hundred dollars (\$200) with respect to a proceeding referred to in subsection (b) for actual costs directly attributable to the administration of the sale under subsection (c). The fee is:

- (1) payable by the person seeking to enforce the judgment and decree; and
- (2) due at the time of filing of the praecipe;

under subsection (b).

(i) (j) If a sale of mortgaged property scheduled under this section is canceled, the sheriff shall provide written notice of the cancellation to each owner of the real estate. Service of the written notice shall be made as provided in the Indiana Rules of Trial Procedure governing service of process upon a person. The sheriff shall charge a fee of ten dollars (\$10) for notice to one (1) owner and three dollars (\$3) for notice to each additional owner for service of written notice under this subsection. The

fee:

- (1) is a cost of the proceeding;
- (2) shall be collected as other costs of the proceeding are collected; and
- (3) shall be deposited in the county general fund for appropriation for operating expenses of the sheriff's department.

The fee for service under this subsection shall be paid by the person who caused the sale to be canceled.

(k) Notice posted on a county's Internet web site or on a sheriff's Internet web site under subsection (d):

- (1) shall be posted on the Internet web site at least thirty (30) days before the date of the sale; and
- (2) shall be maintained on the Internet web site until any of the following occurs:

(A) Any owner or part owner of the real estate redeems the real estate from the judgment under section 7 of this chapter.

(B) The sale is cancelled under subsection (j).

(C) If the real estate is sold under subsection (c), a deed of conveyance for the premises is executed and delivered under section 10(a)(1) of this chapter to the purchaser of the real estate.

(l) A sheriff who posts a notice of sale on a county's Internet web site or on the sheriff's Internet web site under subsection (d) shall:

- (1) maintain a record, in a printed or an electronic format, of the posted notice of sale for a period of not less than three (3) years from the date on which the notice is removed from the Internet web site after the occurrence of an event described in subsection (k)(2); and
- (2) make the record available to the public upon request.

The record required by this subsection must include the date of the initial posting of the notice along with proof that the notice was posted from the initial date through the applicable date described in subsection (k)(2)."

Delete pages 2 through 4.

Page 5, delete lines 1 through 7.

(Reference is to HB 1212 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 24 through 42, begin a new paragraph and insert:

"Sec. 8. (a) The board may vest day to day operations in a director of the board and in an assistant director of the board.

(b) The circuit court clerk shall appoint the director and the assistant director, subject to the following:

(1) The director and the assistant director may not be members of the same political party.

(2) The appointment of the director and the assistant director is subject to the approval of the board, as follows:

(A) At least three (3) members of the board must approve the appointment of the director and the assistant director.

(B) At least two (2) of the board members who vote to approve an appointment may not be members of

the same political party.

(c) The assistant director shall receive an annual salary of not less than two thousand dollars (\$2,000) less than the salary of the director.

(d) The number and compensation of the employees of the board shall be fixed in the manner prescribed by IC 36-2-5 and paid out of the county general fund in accordance with IC 3-5-3-1 as other election expenses are paid.

(e) The director and the assistant director shall each appoint one-half (1/2) of the board employees, subject to the following:

(1) A board employee may not be a relative (as defined in IC 3-6-5.9-3) of either individual making an appointment under this section.

(2) At least three (3) members of the board must approve the appointment of an employee.

(3) At least two (2) of the board members who vote to approve an appointment may not be members of the same political party.

(f) The director, the assistant director, and the board employees serve at the pleasure of their respective appointing authorities."

Page 4, delete lines 1 through 4.

(Reference is to HB 1217 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WESCO, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1224, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 41, after "day" insert "**which may be prorated based on a six (6) hour day,**".

Page 3, line 42, delete "full".

(Reference is to HB 1224 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

Behning, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1268, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JANUARY 1, 2020]".

Page 2, line 9, strike "at least".

Page 2, line 10, strike "annually with" and insert "**upon request by**".

(Reference is to HB 1268 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1280 as introduced.)

Committee Vote: Yeas 12, Nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1294, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, delete lines 12 through 21.

Page 14, line 13, delete "law that involves" and insert "**law.**".

Page 14, delete line 14.

Page 14, line 15, after "court" insert ".".

Page 14, delete lines 16 through 17.

Page 14, line 26, after "base" insert "**either directly or through the patient's integrated health record**".

Page 14, line 40, after "program" insert "**either directly through the data base or through the patient's integrated health record**".

Page 15, line 6, after "program" insert "**or through the patient's integrated health record**".

Page 15, line 16, after "program" insert "**either directly through the data base or through the patient's integrated health record**".

Page 15, line 26, after "base" insert "**or through the patient's integrated health record**".

Page 15, delete lines 37 through 42.

Page 16, delete lines 1 through 6.

Page 16, line 7, delete "(5)" and insert "**(3)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1294 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

KIRCHHOFFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1295, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, delete "animal, the" and insert "**animal for the first time by the veterinarian, the initial**".

(Reference is to HB 1295 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

KIRCHHOFFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1332, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1332 as introduced.)

Committee Vote: Yeas 12, Nays 0.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Statutory Committee on Interstate and International Cooperation, to which was referred House Bill 1344, has had the same under consideration and begs

leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1344 as introduced.)

Committee Vote: Yeas 11, Nays 0.

BACON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Statutory Committee on Interstate and International Cooperation, to which was referred House Bill 1394, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 12, after "commission" insert **"under section 6(a)(1) of this chapter"**.

(Reference is to HB 1394 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BACON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1406, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, delete lines 11 through 19, begin a new paragraph and insert:

"SECTION 7. IC 5-1.2-14-8.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.4. The authority shall set aside forty percent (40%) of the water infrastructure assistance fund for purposes of providing grants, loans, and other financial assistance to or for the benefit of utilities serving less than three thousand two hundred (3,200) customers."

(Reference is to HB 1406 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1462, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1462 as introduced.)

Committee Vote: Yeas 12, Nays 1.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1517, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 15, between lines 14 and 15, begin a new paragraph and insert:

"Sec. 1.5. A license issued under IC 4-32.2-4 (repealed) before July 1, 2019, is valid until that license expires."

Page 18, line 4, delete "(5)" and insert "(2)".

Page 21, line 8, delete "bingo" and insert "activity".

Page 21, line 8, delete "or".

Page 21, line 9, delete "annual casino game license".

Page 21, line 9, delete "has never held an" and insert **"is applying to conduct annual bingo events or casino game night activities that has never previously held a license to conduct such activities"**.

Page 21, line 10, delete "annual bingo license".

Page 21, line 12, delete "bingo" and insert **"activity"**.

Page 21, line 12, delete "or annual casino game night license" and insert **"to conduct annual bingo events or casino game night activities"**.

Page 21, line 19, delete "bingo" and insert **"activity"**.

Page 21, line 19, delete "or an annual casino" and insert **"to conduct annual bingo events or casino game night activities."**

Page 21, delete line 20.

Page 21, line 25, delete "bingo license casino game night license." and insert **"activity license."**

Page 21, line 37, delete "bingo" and insert **"activity"**.

Page 21, line 37, delete "or an annual casino game license" and insert **"to conduct annual bingo events or casino game night activities"**.

Page 22, between lines 39 and 40, begin a new paragraph and insert:

"(c) To renew a three (3) year charity gaming license, a bona fide veterans organization must submit an application every three (3) years."

Page 25, between lines 1 and 2, begin a new paragraph and insert:

"(e) A bona fide veterans organization holding a three (3) year charity gaming license issued under IC 4-32.3-4-16 must submit the following to the commission before the annual anniversary date of the issuance of the three (3) year charity gaming license:

(1) An event summary for each allowable event conducted under the license.

(2) An annual financial report.

(3) An annual gross receipts report."

Page 27, line 17, delete "door prize drawing or".

Page 28, line 18, delete "(b);" and insert **"(c);"**.

Page 32, line 19, delete "last".

Page 32, line 21, after "(a)" insert **"A qualified organization holding a license under IC 4-32.2-4 (repealed) on June 30, 2019, is exempt from fees required under this section.**

(b)".

Page 32, line 21, delete "subsection (b)," and insert **"subsections (c), (d), and (e)."**

Page 32, line 25, delete "(b)" and insert **"(c)".**

Page 32, line 28, delete "(b)" and insert **"(c)".**

Page 33, between lines 7 and 8, begin a new paragraph and insert:

"(d) The license fee that is charged to a qualified organization that is a bona fide veterans organization for a three (3) year charity gaming license under IC 4-32.3-4-16 for the first time the qualified organization has applied for that particular license type issued under IC 4-32.3-4 is fifty dollars (\$50).

(e) The license fee for a three (3) year charity gaming license that is charged to a qualified organization that is a bona fide veterans organization that currently holds a license issued under IC 4-32.3-4-5, IC 4-32.3-4-6, IC 4-32.3-4-8, or IC 4-32.3-4-11 for the first time is equal to the amount the bona fide veterans organization paid for the license it held under IC 4-32.3-4-5, IC 4-32.3-4-6, IC 4-32.3-4-8, or IC 4-32.3-4-11."

Page 34, line 3, after "organization" insert **"that held a license under IC 4-32.2-4 (repealed) on June 30, 2019, or a qualified organization"**.

Page 35, line 10, delete "license." and insert **"license, including a license issued under IC 4-32.2-4 (repealed)."**

(Reference is to HB 1517 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1545, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1545 as introduced.)

Committee Vote: Yeas 12, Nays 0.

KIRCHHOFFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1605, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1605 as introduced.)

Committee Vote: Yeas 13, Nays 0.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Statutory Committee on Ethics has met pursuant to IC 2-2.2-3-4 to review the House Code of Ethics and recommends that said Code of Ethics be amended as follows:

Part IX. CODE OF ETHICS

165. The House of Representatives finds that high moral and ethical standards among members of the House of Representatives are essential to assure the trust, respect, and confidence of all Hoosiers in the Indiana General Assembly. The House of Representatives believes that a code of ethics for the guidance of members will help them avoid conflicts of interest between their personal interests and livelihood and their public responsibilities. The House of Representatives recognizes that service in the Indiana General Assembly is a part-time endeavor, that members are individuals who are active in the affairs of their communities, and that it is necessary and proper that they maintain a livelihood and sources of income apart from their legislative compensation. In recognition of a member's responsibilities to family, occupation, and the citizens of this great state, and in response to IC 2-2.2-3-4, the House of Representatives adopts the following code of ethics.

166. Every candidate for election to the House of Representatives shall campaign and, if elected, shall serve with a personal commitment to integrity and dedicated public service focused on the best interest of the citizens of the state.

167. Every candidate for election to the House of Representatives shall accurately disclose his or her occupational, business, professional, and other financial interests as required by applicable law.

168. Every member of the House of Representatives shall, to the best of his or her ability, be fully objective when considering a proposition upon which he or she must act, keeping the welfare and best interests of the citizens of the state in mind at all times. Every member shall, to the best of his or her ability, conduct official duties in a manner that avoids the appearance of impropriety and bolsters public trust.

169. A member who knowingly has a direct personal or pecuniary interest in a legislative matter is precluded from authoring, sponsoring, or voting on the matter and should avoid public or private advocacy in furtherance of their own self-

interest. The preclusion on voting shall not apply to budget or general revenue bills, but in such event, the member shall publicly disclose their interest. Nothing contained in this rule precludes a member from sharing their knowledge and expertise in a manner which does not advocate a particular outcome in a legislative matter. Any member not voting under this Rule shall be considered present for the purpose of determining a quorum. If a significant number of members are so affected, the House of Representatives or a committee thereof, as the case may be, may, by a vote of two-thirds (2/3) of those voting, permit such members to vote.

170. Any member traveling to a legislative conference or meeting at state expense shall attend a substantial number of meetings and official functions.

171. No member shall host an event which seeks to raise campaign contributions for the election or reelection of any member to the General Assembly during the period beginning on organization day for the first regular session of the General Assembly and ending on the next April 29.

172. A member, the member's candidate committee, and regular party committee organized by a legislative caucus of the House of Representatives of the General Assembly shall not, for the election or reelection of any member to the General Assembly, solicit campaign contributions, accept campaign contributions, or conduct other fundraising activities during the period from one day before through the day after the day in November of each year that the General Assembly convenes.

173. Pursuant to IC 2-2.2-5-3, no member shall accept honoraria during his or her term of office. Payment or reimbursement of expenses actually incurred shall be allowed.

174. (a) The:

(1) Chair and Vice Chair of the ethics committee may receive and the ethics committee may act upon a request from any member of the House of Representatives for a ruling by the ethics committee regarding the existence of a conflict of interest for the member and the recommended resolution of the same;

(2) Chair and Vice Chair of the ethics committee may receive and the ethics committee may act upon a complaint from any person alleging misconduct, which includes sexual harassment and retaliation, a violation of state law, or a violation of this code of ethics by a member; and

(3) Chair and Vice Chair of the ethics committee or the ethics committee may delegate any part of an investigation to one (1) or more members of the ethics committee, other than a waiver of confidentiality and a final determination concerning a complaint, and may obtain the assistance of other individuals with appropriate training or experience.

(b) Subject to subsection (c), any request or complaint shall be reduced to writing and signed by the person making the request or complaint. The ethics committee may, at the call of the Chair, meet in public or executive session to consider the matter and make any rulings or recommendations.

(c) An individual who believes that:

(1) he or she has been a victim of sexual harassment, retaliation, or another violation of Rule 176; or

(2) another individual has been a victim of sexual harassment, retaliation, or another violation of Rule 176; may submit a complaint to any member of the ethics committee, the Speaker, the Majority Caucus Chair, the Minority Leader, the Minority Caucus Chair, the Executive Director of the Legislative Services Agency, the Deputy Executive Director of the Legislative Services Agency, or the Ethics Counselor in the Office of Legislative Ethics established by IC 2-2.2-4-5. The initial complaint may be submitted in any form and by any medium, including an electronic medium such as email.

If the complaint has not been reduced to writing and signed, the individual receiving the complaint shall promptly inform the complainant that the complaint must be reduced to writing and signed to be considered by the ethics committee.

(d) The individual receiving a complaint under subsection (b) or (c) shall promptly provide a copy of the complaint after it is reduced to writing and signed by the complainant to the following:

(1) The Speaker or, if the Speaker is the subject of the complaint, to the Majority Caucus Chair.

(2) The Minority Leader or, if the Minority Leader is the subject of the complaint, to the Minority Caucus Chair.

(3) Subject to subsection (f), the Chair and the Vice Chair of the ethics committee, if Chair and Vice Chair have not already received the initial complaint.

(e) A Speaker who is the subject of a complaint may not participate in a matter within the scope of a complaint, except as a respondent. An ethics committee member may not participate in any matter within the scope of the complaint when the ethics committee member is the subject of the complaint, except as a respondent.

(f) If the Chair or Vice Chair of the ethics committee is the subject of a complaint, the next ranking member of the same political party shall carry out the functions of the Chair or Vice Chair. If any member of the ethics committee, including the Chair or Vice Chair, is the subject of a complaint, the appointing authority under IC 2-2.2-3-2 for that member shall appoint another member of the same party to serve as a member of the ethics committee for the purposes of the complaint.

175. The following definitions apply throughout Rules 174 through 180:

(1) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature by a member when:

(A) submission to or rejection of the conduct or silence concerning the conduct is:

(i) made either explicitly or implicitly a condition of an individual's employment or an individual's performance as an independent contractor under a contract with the legislative branch of Indiana state government;

(ii) used as the basis for employment or other contract decisions with the legislative branch of Indiana state government; or

(iii) made either explicitly or implicitly a condition for or used as a basis for decisions concerning support of or opposition to legislative initiatives, access to a legislator, or other opportunities related to the functions of the legislative branch of Indiana state government;

(quid pro quo violation); or

(B) the conduct is sufficiently severe, persistent, or pervasive and objectionable that it interferes with or limits an individual's ability to participate in or benefit from the legislative or work programs or activities of the legislative branch of Indiana state government (hostile environment violation).

(2) "Internship" refers to a paid or an unpaid temporary position designated by the House of Representatives, the Senate, a caucus in the House of Representatives or Senate, or another agency in the legislative branch of Indiana state government as a page, an internship, or a fellowship.

(3) "Minority leader" refers to the leader of the caucus of the party of the House of Representatives that has the greatest number of members fewer than the caucus of the House of Representatives that has the greatest number of members.

(4) "Protected activity" means the following:

(A) Opposing sexual harassment, retaliation, or another violation of Rule 176.

(B) Making a charge or testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing concerning sexual harassment, retaliation, or another violation of Rule 176 with an officer or entity with authority over sexual harassment, retaliation, or another violation of Rule 176.

The term does not include conduct taken in bad faith or intentionally, knowingly, or recklessly providing false information or testimony.

(5) "Retaliation" refers to a member knowingly or intentionally threatening to take, taking, or causing another to take an adverse action that interferes with or limits an individual's employment or ability to participate in or benefit from the legislative or work programs or activities of the legislative branch of Indiana state government because the individual proposes to engage or engaged in protected activity.

The term does not include conduct that would be considered subject to the House Rules on decorum. With respect to an employee of the legislative branch of Indiana state government, the term refers to retaliation that would constitute a violation of Section 704 of Title VII of the federal Civil Rights Act of 1964, as amended (42 U.S.C. 2000e-3).

176. (a) Neither sexual harassment nor retaliation in any form are tolerated by the House of Representatives.

(b) A member violates this code of ethics if, after a written copy of this subsection is provided to the member, the member knowingly or intentionally engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with an individual who is participating in a paid or an unpaid internship with the Senate, the House of Representatives, or another agency within the legislative branch of Indiana state government, regardless of whether the individual consents to the conduct or the conduct occurs outside of the legislative work environment. This subsection does not apply to a member's own spouse.

(c) Upon the filing of a complaint, the ethics committee shall conduct a prompt, thorough, and impartial review as is appropriate for the subject of the complaint.

(d) The:

(1) ethics committee may investigate and consider other conduct that is not in the original complaint if additional information is brought to its attention that indicates that a pattern of sexual harassment or retaliation may exist;

(2) ethics committee may review unwelcome conduct of a sexual nature to address the conduct before it rises to the level of sexual harassment; and

(3) Chair and Vice-Chair of the ethics committee or the ethics committee may delegate any part of the investigation to one (1) or more members of the ethics committee, other than a waiver of confidentiality and a final determination concerning a complaint, and may obtain the assistance of other individuals with appropriate training or experience.

(e) The identity of an individual who submits a complaint, a witness who provides information regarding a complaint (experienced or observed), and the individual experiencing sexual harassment, retaliation, or another violation of Rule 176 (if different), must be kept confidential to the extent possible, consistent with a thorough and impartial investigation. Any information gathered as part of an investigation must be kept confidential to the extent possible consistent with a thorough and impartial investigation.

177. (a) Complainants, witnesses, and individuals experiencing sexual harassment, retaliation, or another violation of Rule 176 (if different) must be protected from retaliation by employees of the legislative branch of Indiana state government and members.

(b) The Speaker (or the Majority Caucus Chair if the Speaker is the subject of a complaint) may at any time take appropriate emergency corrective action to protect individuals from retaliation and further sexual harassment or other misconduct of a sexual nature pending resolution of the matter.

178. When the ethics committee makes a final determination concerning a complaint, the ethics committee shall provide a written copy of its final determination to the member who is the subject of the complaint and to each complainant. If the ethics committee finds, by competent and substantial evidence, that a member has engaged in sexual harassment, retaliation, or another violation of Rule 176, the ethics committee shall do the following:

- (1) Provide its findings and recommendations to the Speaker (or the Majority Caucus Chair if the Speaker is found to have engaged in sexual harassment, retaliation, or another violation of Rule 176).
- (2) Provide its findings and recommendations to the Minority Leader (or the Minority Caucus Chair if the Minority Leader is found to have engaged in sexual harassment, retaliation, or another violation of Rule 176).
- (3) Subject to Rule 179, post the findings and recommendations on the legislative web site.

Upon receipt of the report the Speaker (or the Majority Caucus Chair if the Speaker is found to have engaged in sexual harassment, retaliation, or another violation of Rule 176) shall promptly implement appropriate and proportionate action to protect individuals from retaliation, further sexual harassment or other misconduct of a sexual nature, and other violations of Rule 176 by the member regardless of whether the House of Representatives disciplines the member. In addition, if the ethics committee recommends in its final report that the member be disciplined, one (1) or more members of the ethics committee may file a motion or resolution with the House of Representatives requesting that the House of Representatives discipline the member in the manner recommended by the ethics committee. When a motion or resolution is filed, the House of Representatives may exercise any of its authority under the Constitution of the State of Indiana to discipline the member.

179. If the ethics committee finds, by competent and substantial evidence, that a member has engaged in sexual harassment, retaliation, or another violation of Rule 176, the final report of the ethics committee becomes a non-confidential public record and may be the basis for the House of Representatives to exercise its authority under the Constitution of the State of Indiana to discipline the member. The release of a document by the ethics committee as a non-confidential public record does not require the release of the name or other identifying information concerning an individual referenced in the document except as provided in this Rule 179. The ethics committee may not redact the name or other identifying information concerning a member who is found by the ethics committee to have committed a violation of Rule 176. Otherwise, the ethics committee may redact in the document the name of and other identifying information concerning any other individual who is a complainant, a witness, an internship participant, or a target of a violation (if different) and shall redact the name of and other identifying information for any individual who is less than eighteen (18) years of age.

180. In addition to the sexual harassment training required under IC 2-2.2-3-9, each member of the ethics committee and each individual who is authorized to receive a complaint under Rule 174 shall complete specialized instruction approved by the

Speaker related to receiving, investigating, and evaluating sexual harassment, retaliation, and other violations of Rule 176 that is appropriate for the individual's duties.

Committee Vote: Adopted by consent.

NEGELE, Chair
ERRINGTON, Vice Chair

Report adopted.

INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill Lists 17, 18 and 19 were read a first time by title and referred to the respective committees:

HB 1449 — Mayfield

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1495 — Summers, Clere, Fleming

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1613 — Hatfield, McNamara, Sullivan

Committee on Ways and Means

A BILL FOR AN ACT concerning state offices and administration.

HB 1626 — Torr

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1627 — Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1628 — Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1629 — Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1630 — Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1631 — Carbaugh

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1632 — Lehe, Karickhoff

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

HB 1633 — Lehe

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

- HB 1634** — Lehe
Committee on Agriculture and Rural Development
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.
- HB 1635** — Lehe
Committee on Agriculture and Rural Development
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.
- HB 1636** — Lehe
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1637** — Lehe
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1638** — Lehe, Cherry, Thompson
Committee on Agriculture and Rural Development
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.
- HB 1639** — Baird
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- HB 1640** — Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1641** — Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1642** — Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.
- HB 1643** — Smaltz
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1644** — Heine
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- HB 1645** — Smaltz
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.
- HB 1646** — Deal, Boy
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1647** — Deal, Moed
Committee on Commerce, Small Business and Economic Development
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1648** — Deal, Boy
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- HB 1649** — Eberhart
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1650** — Ziemke
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1651** — Schaibley
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1652** — Lindauer
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1653** — DeLaney
Committee on Insurance
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1654** — Austin
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- HB 1655** — Austin
Committee on Insurance
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1656** — Austin
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- HB 1657** — Zent
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1658** — VanNatter, Candelaria Reardon
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1659** — VanNatter, DeVon
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1660** — VanNatter, Goodrich, Miller D
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1661 — VanNatter, Hatfield

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1662 — Baird, Clere

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1663 — Manning, Thompson

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

HB 1664 — Manning, Burton, Speedy

Committee on Utilities, Energy and Telecommunications

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

HB 1665 — Smaltz

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1666 — Smaltz

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1667 — Lauer

Committee on Utilities, Energy and Telecommunications

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1668 — Lauer

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1669 — Abbott, Bacon

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1670 — Lauer

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1671 — GiaQuinta

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1672 — GiaQuinta

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1673 — GiaQuinta

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1674 — Lauer

Committee on Education

A BILL FOR AN ACT concerning education.

HB 1675 — Lauer

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1676 — Wolkins

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1677 — Wolkins

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1678 — Pfaff

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1679 — Moed

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1680 — Moed

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1681 — Lauer

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

HB 1682 — Withdrawn**HB 1683** — Forestal

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1684 — Forestal

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1686 — Rules and Legislative Procedures

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning general provisions.

HB 1687 — Rules and Legislative Procedures

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning general provisions.

HB 1688 — Rules and Legislative Procedures

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning general provisions.

HB 1689 — Rules and Legislative Procedures

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning general provisions.

HB 1690 — Rules and Legislative Procedures

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning general provisions.

HB 1691 — Rules and Legislative Procedures

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning general provisions.

HB 1692 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1693 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1694 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1695 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1696 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1697 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1698 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1699 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1700 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1701 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1702 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1703 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1704 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1705 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1706 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1707 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1708 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1709 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1710 — Rules and Legislative Procedures
Committee on Rules and Legislative Procedures
A BILL FOR AN ACT concerning general provisions.

HB 1081 — Macer, Campbell
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1107 — Lucas
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1370 — Campbell
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning labor and safety.

HB 1483 — Eberhart, Austin
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1512 — Nisly
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1550 — Nisly
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1685 — Forestal
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HOUSE BILLS ON SECOND READING

House Bill 1009

Representative DeVon called down House Bill 1009 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1021

Representative Thompson called down House Bill 1021 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1034

Representative Thompson called down House Bill 1034 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1139

Representative Burton called down House Bill 1139 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1200

Representative Frizzell called down House Bill 1200 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1246

Representative Davisson called down House Bill 1246 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1246-1)

Mr. Speaker: I move that House Bill 1246 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-26-13-4, AS AMENDED BY P.L.5-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019] : Sec. 4. (a) The board may:

- (1) adopt rules under IC 4-22-2 for implementing and enforcing this chapter;
- (2) establish requirements and tests to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications for applicants for pharmacists' licenses;
- (3) refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any licensee or permittee under this chapter;
- (4) regulate the sale of drugs and devices in the state of Indiana;
- (5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines, chemicals, poisons, or devices which by inspection are deemed unfit for use or would be dangerous to the health and welfare of the citizens of the state of Indiana; the board shall follow those embargo procedures found in IC 16-42-1-18 through IC 16-42-1-31, and persons may not refuse to permit or otherwise prevent members of the board or their representatives from entering such places and making such inspections;
- (6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;
- (7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;
- (8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given at least twice annually; and
- (9) perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter.

(b) The board shall adopt rules under IC 4-22-2 for the following:

- (1) Establishing standards for the competent practice of pharmacy.
- (2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs.
- (3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist:
 - (A) has entered into a contract that accepts the return of expired drugs with; or
 - (B) is subject to a policy that accepts the return of expired drugs of;

a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled drugs. In determining the standards and procedures, the board may not interfere with negotiated terms related to cost, expenses, or reimbursement charges contained in contracts between parties, but may consider what is a reasonable quantity of a drug to be purchased by a pharmacy. The standards and

procedures do not apply to vaccines that prevent influenza, medicine used for the treatment of malignant hyperthermia, and other drugs determined by the board to not be subject to a return policy. An agent of a wholesaler or manufacturer must be appointed in writing and have policies, personnel, and facilities to handle properly returns of expired legend drugs and controlled substances.

(4) Establishing requirements for pharmacies that hold a Category I permit to store controlled substances, including opioids, in time released safes.

(c) The board may grant or deny a temporary variance to a rule it has adopted if:

- (1) the board has adopted rules which set forth the procedures and standards governing the grant or denial of a temporary variance; and
- (2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

(d) The board shall adopt rules and procedures, in consultation with the medical licensing board, concerning the electronic transmission of prescriptions. The rules adopted under this subsection must address the following:

- (1) Privacy protection for the practitioner and the practitioner's patient.
- (2) Security of the electronic transmission.
- (3) A process for approving electronic data intermediaries for the electronic transmission of prescriptions.
- (4) Use of a practitioner's United States Drug Enforcement Agency registration number.
- (5) Protection of the practitioner from identity theft or fraudulent use of the practitioner's prescribing authority.

(e) The governor may direct the board to develop:

- (1) a prescription drug program that includes the establishment of criteria to eliminate or significantly reduce prescription fraud; and
- (2) a standard format for an official tamper resistant prescription drug form for prescriptions (as defined in IC 16-42-19-7(1)).

The board may adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) The standard format for a prescription drug form described in subsection (e)(2) must include the following:

- (1) A counterfeit protection bar code with human readable representation of the data in the bar code.
- (2) A thermochromic mark on the front and the back of the prescription that:
 - (A) is at least one-fourth (1/4) of one (1) inch in height and width; and
 - (B) changes from blue to clear when exposed to heat.

(g) The board may contract with a supplier to implement and manage the prescription drug program described in subsection (e). The supplier must:

- (1) have been audited by a third party auditor using the SAS 70 audit or an equivalent audit for at least the three (3) previous years; and
- (2) be audited by a third party auditor using the SAS 70 audit or an equivalent audit throughout the duration of the contract;

in order to be considered to implement and manage the program.

(h) The board shall adopt rules under IC 4-22-2, or emergency rules in the manner provided under IC 4-22-2-37.1 that take effect on July 1, 2016, concerning:

- (1) professional determinations made under IC 35-48-4-14.7(d); and
- (2) the determination of a relationship on record with the pharmacy under IC 35-48-4-14.7.

(i) The board may:

- (1) review professional determinations made by a pharmacist; and
- (2) take appropriate disciplinary action against a

pharmacist who violates a rule adopted under subsection (h) concerning a professional determination made; under IC 35-48-4-14.7 concerning the sale of ephedrine and pseudoephedrine."

Renumber all SECTIONS consecutively.

(Reference is to HB 1246 as printed January 18, 2019.)

MOED

Upon request of Representatives GiaQuinta and Porter, the Speaker ordered the roll of the House to be called. Roll Call 27: yeas 30, nays 65. Motion failed.

HOUSE MOTION (Amendment 1246-2)

Mr. Speaker: I move that House Bill 1246 be amended to read as follows:

Page 3, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 4. IC 25-26-13-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 29.5. A pharmacy may not terminate employment of, demote, or retaliate against an employee of the pharmacy for lawfully defending himself or herself from physical harm or a crime.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1246 as printed January 18, 2019.)

MOED

Upon request of Representatives Mahan and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 28: yeas 74, nays 33. Motion prevailed. The bill was ordered engrossed.

Representative Torr, who had been excused, is now present.

House Bill 1004

Representative McNamara called down House Bill 1004 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1004-11)

Mr. Speaker: I move that House Bill 1004 be amended to read as follows:

Page 4, line 35, delete "The" and insert "Except as provided in subsection (d), the".

Page 5, line 40, delete "The" and insert "Except as provided in subsection (d), the".

Page 6, between lines 13 and 14, begin a new paragraph and insert:

"(d) A school corporation, charter school, or accredited nonpublic school may be eligible to receive a grant of up to:

(1) one hundred thousand dollars (\$100,000) if:

(A) the school corporation, charter school, or accredited nonpublic school receives a grant match of one hundred percent (100%) of the requested grant amount; and

(B) the board approves the grant request; or

(2) for a school corporation, charter school, or accredited nonpublic school described subsection (c)(1) or (c)(2), a grant of up to fifty thousand dollars (\$50,000) if:

(A) the school corporation, charter school, or accredited nonpublic school receives a grant match of fifty percent (50%) of the requested grant amount; and

(B) the board approves the grant request."

Page 6, line 14, delete "(d)" and insert "(e)".

Page 6, line 17, delete "(e)" and insert "(f)".

Page 7, line 32, after "(90)" insert "calendar".

Page 8, delete lines 11 through 20, begin a new paragraph and insert:

"SECTION 9. IC 20-34-3-24 IS ADDED TO THE

INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 24. (a) As used in this section, "school" means any of the following:**

(1) A school corporation.

(2) A charter school.

(3) A nonpublic school with at least one (1) employee.

(b) Beginning after July 1, 2019, or each year that the federal Centers for Disease Control and Prevention Youth Risk Behavior Survey or a successor survey is administered by the state department of health, the state department of health shall work with each school to provide students in grades 9 through 12 with the opportunity to participate in the survey. A school is not required to participate in the survey. If a school decides not to participate in the survey, the school shall provide written notification to the state department of health of the school's decision not to participate.

(c) This subsection applies to the notification that is required to be provided by the state department of health. Before a school may provide a student with the opportunity to participate in the survey, the state department of health, in consultation with the school, shall provide written notification to the parent of the student or the student, if the student is an adult or an emancipated minor, of the student's participation in the survey. The notification described in this subsection must provide a student's parent or the student, if the student is an adult or an emancipated minor, with the opportunity to opt the student out of participation in the survey. The state department of health shall provide written notification to the school if the student's parent or the student, if the student is an adult or an emancipated minor, opts the student out of participation in the survey. A school may not be required to incur any cost to distribute the written notification.

(d) This subsection applies to the notification that is required to be provided by the school. In addition to the notification provided by the state department of health under subsection (c), a school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, a notice about the survey either by telecommunication or electronic communication. A notice provided to a parent of a student or a student, if the student is an adult or emancipated minor, under this subsection must provide information that:

(1) informs the parent or the student, if the student is an adult or emancipated minor, where he or she can find more information about the survey; and

(2) entitles the student's parent or the student, if the student is an adult or an emancipated minor, with the opportunity to opt the student out of participation in the survey."

(Reference is to HB 1004 as printed January 17, 2019.)

LEHMAN

Motion prevailed.

HOUSE MOTION (Amendment 1004-6)

Mr. Speaker: I move that House Bill 1004 be amended to read as follows:

Page 2, between lines 22 and 23, begin a new line block indented and insert:

"(8) Provide grants for school based mental health services to students or form partnerships with mental health providers to provide school based mental health services to students.

(9) Provide grants for school based social emotional wellness services to students or form partnerships with social emotional wellness providers to provide school based social emotional wellness services."

Page 3, line 13, after "school;" strike "or".

Page 3, line 16, delete "." and insert ";

Page 3, between lines 16 and 17, begin a new line block indented and insert:

**"(4) provide school based mental health services to students or form partnerships with mental health providers to provide school based mental health services to students; or
(5) provide school based social emotional wellness services to students or form partnerships with social emotional wellness providers to provide school based social emotional wellness services."**

Page 4, line 24, after "assessment," insert **"provide school based mental health services to students or form partnerships with mental health providers to provide school based mental health services to students, provide school based social emotional wellness services to students or form partnerships with social emotional wellness providers to provide school based social emotional wellness services,"**.

Page 8, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 10. IC 20-49-10-4, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The school corporation and charter school safety advance program is established. The purpose of the program is to make advances to school corporations or charter schools (or one (1) or more coalitions of public schools applying jointly) for:

- (1) equipment purchases or capital improvements necessary to improve school security;
- (2) the provision of school based mental health services to students or the formation of partnerships with mental health providers as described in section 5(a)(2) of this chapter; or**
- (3) the provision of school based social emotional wellness services to students or the formation of partnerships with social emotional wellness providers as described in section 5(a)(3) of this chapter.**

(b) The state board, in consultation with the secured school safety board established by IC 10-21-1-3, shall administer the program.

(c) The total amount of advances that the state board may make under this chapter during the state biennium beginning July 1, 2017, and ending June 30, 2019, may not exceed thirty-five million dollars (\$35,000,000).

SECTION 11. IC 20-49-10-5, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Advances made under this chapter may be used to:

(1) purchase equipment or make capital improvements needed to:

- ~~(1)~~ **(A) restrict access to schools;**
- ~~(2)~~ **(B) expedite the notification of first responders; or**
- ~~(3)~~ **(C) improve school security;**

(2) provide school based mental health services to students or form partnerships with mental health providers to provide school based mental health services to students; or

(3) provide school based social emotional wellness services to students or form partnerships with social emotional wellness providers to provide school based social emotional wellness services.

(b) The maximum amount of an advance that a school corporation or charter school may receive under this chapter may not exceed five hundred thousand dollars (\$500,000).

(c) The maximum amount of the advance that the state board may approve under section 6(c) of this chapter is the lesser of:

- (1) the maximum amount of an advance that may be awarded as established by subsection (b); or
- (2) the amount needed to cover costs approved by the secured school safety board that are in excess of the amount awarded by the secured school safety board under

IC 10-21-1-4 and the amount committed as a match by the school corporation or charter school (or coalition of public schools filing jointly) that applied for the grant under IC 10-21-1-5."

Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as printed January 17, 2019.)

PFAFF

Representative Leonard rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 1004 a bill pending before the House. The Speaker ruled the point was not well taken.

Upon request of Representatives Mahan and Torr, the Speaker ordered the roll of the House to be called. Roll Call 29: yeas 83, nays 15. Motion prevailed.

HOUSE MOTION

(Amendment 1004-7)

Mr. Speaker: I move that House Bill 1004 be amended to read as follows:

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 3. IC 10-21-1-1, AS AMENDED BY P.L.109-2015, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. The following definitions apply throughout this chapter:

(1) "ADM" refers to average daily membership determined under IC 20-43-4-2. In the case of a school corporation career and technical education school described in IC 20-37-1-1, "ADM" refers to the count on a full-time equivalency basis of students attending the school on the date ADM is determined under IC 20-43-4-2.

(2) "Board" refers to the secured school safety board established by section 3 of this chapter.

(3) "Fund" refers to the Indiana secured school fund established by section 2 of this chapter.

(4) "Local plan" means the school safety plan described in IC 20-26-18.2-2(b).

(5) "School corporation or charter school" refers to an individual school corporation, a school corporation career and technical education school described in IC 20-37-1-1, or a charter school but also includes:

- (A) a coalition of school corporations;
- (B) a coalition of charter schools; or
- (C) a coalition of both school corporations and charter schools;

that intend to jointly employ a school resource officer or to jointly apply for a ~~matching~~ **secured school** grant under this chapter, unless the context clearly indicates otherwise. (6) "School resource officer" has the meaning set forth in IC 20-26-18.2-1."

Page 2, line 41, strike "matching" and insert "**secured school**".

Page 3, line 36, strike "matching" and insert "**secured school**".

Page 4, line 12, strike "matching" and insert "**secured school**".

Page 4, line 19, strike "matching" and insert "**secured school**".

Page 4, line 28, strike "matching" and insert "**secured school**".

Page 5, delete lines 40 through 42.

Page 6, delete lines 1 through 13.

Page 6, line 14, reset in roman "(c)".

Page 6, line 14, delete "(d)".

Page 6, line 15, strike "matching" and insert "**secured school**".

Page 6, line 17, reset in roman "(d)".

Page 6, line 17, delete "(e)".

Page 6, line 26, strike "matching" and insert "**secured school**".

Page 7, line 4, strike "matching" and insert "**secured school**".

Page 7, line 16, strike "matching" and insert "**secured school**".

Page 7, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 9. IC 10-21-1-6.5, AS ADDED BY P.L.211-2018(ss), SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.5. If a school corporation or charter school (or a coalition of public schools applying jointly) indicates on an application under section 5 of this chapter that the school corporation or charter school (or coalition of public schools applying jointly) requests, in addition to the **matching secured school** grant under this chapter, an advance under IC 20-49-10, the board shall review the application and may make recommendations to the state board to approve or deny an advance in the manner prescribed in IC 20-49-10-6.

SECTION 10. IC 10-21-1-7, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. The department of homeland security shall report before October 1 of each year to the budget committee concerning **matching secured school** grants awarded under this chapter during the previous fiscal year."

Page 8, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 11. IC 20-49-10-5, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Advances made under this chapter may be used to purchase equipment or make capital improvements needed to:

- (1) restrict access to schools;
- (2) expedite the notification of first responders; or
- (3) improve school security;

(b) The maximum amount of an advance that a school corporation or charter school may receive under this chapter may not exceed five hundred thousand dollars (\$500,000).

(c) The maximum amount of the advance that the state board may approve under section 6(c) of this chapter is the lesser of:

- (1) the maximum amount of an advance that may be awarded as established by subsection (b); or
- (2) the amount needed to cover costs approved by the secured school safety board that are in excess of the amount awarded by the secured school safety board under IC 10-21-1-4. ~~and the amount committed as a match by the school corporation or charter school (or coalition of public schools filing jointly) that applied for the grant under IC 10-21-1-5.~~

SECTION 13. IC 20-49-10-6, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) An application to the secured school safety board for a **matching secured school** grant under IC 10-21-1 may serve as an application for an advance under this chapter.

(b) To apply for an advance, a school corporation or charter school (or a coalition of public schools applying jointly) shall submit an application to the secured school safety board under IC 10-21-1. If the secured school safety board approves a **matching secured school** grant to the school corporation or charter school (or coalition of public schools filing jointly) under IC 10-21-1-4 and the school corporation or charter school (or coalition of public schools filing jointly) requests an advance under this chapter, the secured school safety board may recommend to the state board the approval of an advance under this chapter. (c) If an advance is recommended by the secured school safety board and the state board finds that the school corporation or charter school (or coalition of public schools

filing jointly):

- (1) qualifies for an advance under this chapter; and
- (2) will use the advance for purposes described in section 5 of this chapter;

the state board may make the advance to the school corporation or charter school (or coalition of public schools filing jointly)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as printed January 17, 2019.)

PFAFF

Motion withdrawn. The bill was ordered engrossed.

House Bill 1008

Representative Behning called down House Bill 1008 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1008-1)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 4, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 7. IC 20-24-8-5, AS AMENDED BY P.L.242-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-39-1-1 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- (7) IC 20-28-10-14 (teacher freedom of association).
- (8) IC 20-28-10-17 (school counselor immunity).
- (9) For conversion charter schools only if the conversion charter school elects to collectively bargain under IC 20-24-6-3(b), IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- (10) IC 20-33-2 (compulsory school attendance).
- (11) IC 20-33-3 (limitations on employment of children).
- (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- (13) IC 20-33-8-16 (firearms and deadly weapons).
- (14) IC 20-34-3 (health and safety measures).
- (15) IC 20-33-9 (reporting of student violations of law).
- (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- (17) IC 20-31-3, IC 20-32-4, IC 20-32-5 (for a school year ending before July 1, 2018), IC 20-32-5.1 (for a school year beginning after June 30, 2018), IC 20-32-8, and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic standards, accreditation, assessment, and remediation).
- (18) IC 20-33-7 (parental access to education records).
- (19) IC 20-31 (accountability for school performance and improvement).
- (20) IC 20-30-5-19 (personal financial responsibility instruction).
- (21) IC 20-26-5-37.3, before its expiration (career and technical education reporting).
- (22) **IC 20-33-8-13.5 (discipline rules prohibiting bullying).**"

Page 5, after line 14, begin a new paragraph and insert:

"SECTION 9. IC 20-33-8-13.5, AS AMENDED BY P.L.211-2018(ss), SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

- (1) prohibit bullying; and
- (2) include:
 - (A) provisions concerning education, parental involvement, and intervention;
 - (B) a detailed procedure for the expedited investigation of incidents of bullying that includes:
 - (i) appropriate responses to bullying behaviors, wherever the behaviors occur;
 - (ii) provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
 - (iii) timetables for reporting of bullying incidents to the parents of both the targeted student and the bully, in an expedited manner;
 - (iv) timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;
 - (v) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident; and
 - (vi) discipline provisions for false reporting of bullying; and
 - (C) a detailed procedure outlining the use of follow-up services that includes:
 - (i) support services for the victim; and
 - (ii) bullying education for the bully.

(b) The discipline rules described in subsection (a) may be applied regardless of the physical location in which the bullying behavior occurred, whenever:

- (1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
- (2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:

- (1) computer;
- (2) computer system;
- (3) computer network; or
- (4) cellular telephone or other wireless or cellular communications device.

(d) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

(e) A record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under IC 5-14-3.

(f) The department shall periodically review each policy adopted under this section to ensure the policy's compliance with this section.

(g) An accredited nonpublic school that accepts any funding or financial assistance from the state is required to adopt discipline rules consistent with this section.

SECTION 10. IC 20-51-4-1, AS AMENDED BY P.L.106-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Except as provided under subsections (b) through (h), it is the intent of the general assembly to honor the autonomy of nonpublic schools that choose to become eligible schools under this chapter. A nonpublic eligible school is not an agent of the state or federal government, and therefore:

- (1) the department or any other state agency may not in any way regulate the educational program of a nonpublic

eligible school that accepts a choice scholarship under this chapter, including the regulation of curriculum content, religious instruction or activities, classroom teaching, teacher and staff hiring requirements, and other activities carried out by the eligible school;

(2) the creation of the choice scholarship program does not expand the regulatory authority of the state, the state's officers, or a school corporation to impose additional regulation of nonpublic schools beyond those necessary to enforce the requirements of the choice scholarship program in place on July 1, 2011; and

(3) a nonpublic eligible school shall be given the freedom to provide for the educational needs of students without governmental control.

(b) This section applies to the following writings, documents, and records:

- (1) The Constitution of the United States.
- (2) The national motto.
- (3) The national anthem.
- (4) The Pledge of Allegiance.
- (5) The Constitution of the State of Indiana.
- (6) The Declaration of Independence.
- (7) The Mayflower Compact.
- (8) The Federalist Papers.
- (9) "Common Sense" by Thomas Paine.
- (10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.
- (11) United States Supreme Court decisions.
- (12) Executive orders of the presidents of the United States.
- (13) Frederick Douglass's speech at Rochester, New York, on July 5, 1852, entitled "What to the Slave is the Fourth of July?"
- (14) "Appeal" by David Walker.
- (15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.

(c) An eligible school may allow a principal or teacher in the eligible school to read or post in the school building or classroom or at a school event any excerpt or part of a writing, document, or record listed in subsection (b).

(d) An eligible school may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed in subsection (b).

(e) A library, a media center, or an equivalent facility that an eligible school maintains for student use must contain in the facility's permanent collection at least one (1) copy of each writing or document listed in subsection (b)(1) through (b)(9).

(f) An eligible school shall do the following:

- (1) Allow a student to include a reference to a writing, document, or record listed in subsection (b) in a report or other work product.
- (2) May not punish the student in any way, including a reduction in grade, for using the reference.
- (3) Display the United States flag in each classroom.
- (4) Provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:
 - (A) the student chooses to not participate; or
 - (B) the student's parent chooses to have the student not participate.
- (5) Provide instruction on the constitutions of:
 - (A) Indiana; and
 - (B) the United States.

(6) For an eligible school that enrolls students in grades 6 through 12, provide within the two (2) weeks preceding a

general election five (5) full recitation periods of class discussion concerning:

- (A) the system of government in Indiana and in the United States;
 - (B) methods of voting;
 - (C) party structures;
 - (D) election laws; and
 - (E) the responsibilities of citizen participation in government and in elections.
- (7) Require that each teacher employed by the eligible school present instruction with special emphasis on:
- (A) honesty;
 - (B) morality;
 - (C) courtesy;
 - (D) obedience to law;
 - (E) respect for the national flag and the Constitution of the State of Indiana and the Constitution of the United States;
 - (F) respect for parents and the home;
 - (G) the dignity and necessity of honest labor; and
 - (H) other lessons of a steadying influence that tend to promote and develop an upright and desirable citizenry.
- (8) Provide good citizenship instruction that stresses the nature and importance of the following:
- (A) Being honest and truthful.
 - (B) Respecting authority.
 - (C) Respecting the property of others.
 - (D) Always doing the student's personal best.
 - (E) Not stealing.
 - (F) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
 - (G) Taking personal responsibility for obligations to family and community.
 - (H) Taking personal responsibility for earning a livelihood.
 - (I) Treating others the way the student would want to be treated.
 - (J) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
 - (K) Respecting the student's parents and home.
 - (L) Respecting the student's self.
 - (M) Respecting the rights of others to have their own views and religious beliefs.
- (9) Provide instruction in the following studies:
- (A) Language arts, including:
 - (i) English;
 - (ii) grammar;
 - (iii) composition;
 - (iv) speech; and
 - (v) second languages.
 - (B) Mathematics.
 - (C) Social studies and citizenship, including the:
 - (i) constitutions;
 - (ii) governmental systems; and
 - (iii) histories;
 of Indiana and the United States, including a study of the Holocaust and the role religious extremism played in the events of September 11, 2001, in each high school United States history course.
 - (D) Sciences.
 - (E) Fine arts, including music and art.
 - (F) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.
- (g) An eligible school shall not teach the violent overthrow of the government of the United States.
- (h) An eligible school shall adopt discipline rules that prohibit bullying in the manner provided in IC 20-33-8-13.5.**

~~(h)~~ (i) Nothing in this section shall be construed to limit the requirements of IC 20-30-5."

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 22, 2019.)

PORTER

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Porter withdrew the motion to amend. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1005

Representative Bosma called down Engrossed House Bill 1005 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 30: yeas 70, nays 29. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Buck.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1007

Representative Kirchhofer called down Engrossed House Bill 1007 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 31: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau and Crider.

Engrossed House Bill 1056

Representative Manning called down Engrossed House Bill 1056 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 32: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Busch and Buck.

Engrossed House Bill 1059

Representative Carbaugh called down Engrossed House Bill 1059 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 33: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Boots and Busch.

Engrossed House Bill 1063

Representative Frye called down Engrossed House Bill 1063 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 34: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Crider, Raatz and Koch.

Engrossed House Bill 1209

Representative Schaibley called down Engrossed House Bill 1209 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 35: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Head.

Engrossed House Bill 1245

Representative Sullivan called down Engrossed House Bill 1245 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 36: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Raatz.

Representative Behning, who had been present, is now excused.

Engrossed House Bill 1270

Representative Gutwein called down Engrossed House Bill 1270 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 37: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Niemeyer.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1115, 1125, 1150, 1175, 1224, 1332, 1406 and 1517 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced the following reassignments:

House Bill 1327 from the Committee on Natural Resources to the Committee on Roads and Transportation.

House Bill 1390 from the Committee on Roads and Transportation to the Committee on Natural Resources.

HOUSE MOTION

Mr. Speaker: I move that Representatives Wesco, DeLaney and Frizzell be added as coauthors of House Bill 1005.

BOSMA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives DeVon and Bacon be added as coauthors of House Bill 1007.

KIRCHHOFFER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor of House Bill 1047.

JACKSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor of House Bill 1048.

JACKSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor of House Bill 1049.

JACKSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Jackson and V. Smith be added as coauthors of House Bill 1050.

PRYOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lehman, Engleman and Pryor be added as coauthors of House Bill 1056.

MANNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hamilton and Barrett be added as coauthors of House Bill 1139.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1166.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor of House Bill 1195.

JACKSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Forestal be added as coauthor of House Bill 1231.

CHYUNG

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1236.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Hatfield, Cook, Jordan, Behning, Burton, Clere, DeVon, Goodrich, Lucas, Thompson, V. Smith, DeLaney and Klinker be added as coauthors of House Bill 1245.

SULLIVAN

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1250.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fleming be added as coauthor of House Bill 1262.

AYLESWORTH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pressel, Aylesworth and Candelaria Reardon be added as coauthors of House Bill 1270.

GUTWEIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives DeLaney and Pryor be added as coauthors of House Bill 1332.

SPEEDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as coauthor of House Bill 1344.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Aylesworth be added as coauthor of House Bill 1376.

ERRINGTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1400.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1404.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dvorak be added as coauthor of House Bill 1411.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamilton be added as coauthor of House Bill 1421.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor of House Bill 1433.

JACKSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Forestal and Soliday be added as coauthors of House Bill 1482.

SULLIVAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mayfield be added as coauthor of House Bill 1488.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1490.

ERRINGTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Beck be added as coauthor of House Bill 1551.

AYLESWORTH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Soliday be added as coauthor of House Bill 1605.

SULLIVAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Deal be added as coauthor of House Bill 1609.

HATFIELD

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Prescott, the House adjourned at 12:11 p.m., this twenty-fourth day of January, 2019, until Monday, January 28, 2019, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives